

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.817 of 2019**

Arising Out of PS. Case No.-275 Year-2018 Thana- GOH District- Aurangabad

1. INDRAJEET KUMAR @ PHUNNI YADAV @ PHUNNUI YADAV, Son of Rajeshwar Yadav @ Boudh Yadav, Resident of Village - Dihuri, P.S.- Goh, District - Aurangabad
2. Mishri Yadav @ Randhir Kumar @ Randhir Yadav, Son of Panna Yadav Resident of Village - Dihuri, P.S.- Goh, District - Aurangabad

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Vinod Kumar
For the Respondent/s : Ms.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 04-04-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 22.1.2019 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad, in A.B.P. filed by the appellants, by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Goh P.S.Case No. 275 of 2018, registered under Sections 341, 323, 308, 354B, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of misbehaving with the informant and when he made complaint he was assaulted and abused by caste name.

Submission of learned counsel for the appellants is that they have falsely been implicated and they are students.



Heard learned Special P.P., who has opposed the prayer for anticipatory bail stating that FIR shows that they were in drunken condition.

Having heard both sides and in the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the appellants.

However, if the appellants surrender and make prayer for regular bail, the same shall be considered on its own merit, without being prejudiced by this order and, if possible, to be disposed of on the same day.

With the above observation, the appeal is disposed of.

(Vinod Kumar Sinha, J)

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Transmission Date	

