

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4421 of 2018

Arising Out of PS. Case No.-38 Year-2015 Thana- SC/ST District- East Champaran

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1. Upendra Kumar Kushwaha and Ors Son of Rajeshwar Kushwaha,
 2. Nandan Kumar @ Nandan Kishore, Son of Upendra Kushwaha,
 3. Mukesh Kushwaha, Son of Premnath Prasad Kushwaha,
 4. Ashok Kushwaha, Son of Jwala Prasad,
 5. Shyam Kumar @ Chitranjan Kumar @ Chitranjan, Son of Premnath Prasad Kushwaha,
 6. Rajeshwar Kushwaha, Son of Sant Prasad Kushwaha, All residents of Village-Madhurapur, P.S.- Pipra, District- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

The appellants seek pre arrest bail in connection with SC/ST(Mot) P.S. Case No. 38 of 2015, registered for offences punishable under Sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code and Section 3(1) (I) (x)(xi) of SC/ST (POA) Act.

Allegation against the appellants is of abusing the informant by caste name and assaulting her and they also tore her clothes and spit on her.

It has been submitted on behalf of the appellants that there is case and counter case between the parties and earlier,



the petitioners had been given the benefit under Section 41-A Cr.P.C. by the police, which they have not misused but now charge-sheet has been submitted. It has further been submitted that there is dispute between the parties from before, due to which, this present false and concocted case has been lodged by the informant.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this application is disposed of with direction to the appellant to surrender before the concerned court below within a period of six weeks and pray for regular bail and the court below after considering the fact that earlier the appellant was given the benefit under Section 41-A Cr.P.C. and they have not misused the same, shall pass an appropriate order, if possible on same day, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

sunilkumar/-

AFR/NAFR	N/A
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