

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2773 of 2019

Arising Out of PS. Case No.-68 Year-2017 Thana- LODIPUR District- Bhagalpur

1. Babloo Yadav Son of Late Ratneshwar Yadav
2. Hira Yadav Son of Kailash Yadav
3. Jitendra Yadav @ Jiro Yadav Son of Kailash Yadav
4. Manish Yadav Son of Bideshi Yadav
5. Lalsugi Yadav Son of Bideshi Yadav
6. Aako Yadav Son of Late Manu Yadav
7. Bhudeo Yadav Son of Late Manu Yadav
8. Izhar Yadav Son of Aako Yadav

All are Resident of Village - Baghmara, P.S.- Lodipur, Distt - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. N.K. Agrawal, Sr. Adv.

Mr.Kumar Praveen, Adv.

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 16-07-2019 Heard learned counsel for the appellants as well as
learned APP.

Appellants have challenged the order dated 01.06.2019 passed by the learned lower court relating to Sessions Trial No.107/2018 pending before Additional Sessions Judge, IIIrd, Bhagalpur whereby and whereunder the learned lower court has rejected the prayer of the appellants/accused so raised through petition dated 14.08.2018 challenging the status of the informant to be member of SC/ST and in the aforesaid background, the trial being sailed before the Special Court



(SC/ST) should be gambade.

Heard rival submissions as well as also gone through the different annexures.

Appellants are insisting upon annexure-2 whereupon, trial before the Special Court has been objected upon, side by side also gone through the rejoinder having been filed on behalf of prosecution (Annexure-5) more particularly, para-9 as well as para-10 and 11. After going through the relevant documents, it is evident that this matter could not be decided under the present appeal rather, needs in depth scrutiny and for that appellants are at liberty to challenge the status of the prosecution party by way of cross-examination as well as by way of producing relevant documents which, the learned lower court will assess in accordance with law at an appropriate stage of the trial.

In terms thereof, instant memo of appeal is disposed of.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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