

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3629 of 2019

Arising Out of PS. Case No.-81 Year-2017 Thana- SINGHWARA District- Darbhanga

1. NAROTAM YADAV S/o Ram Briksha Yadav Resident of Village-Vishwanathpatti, P.S.- Singhwara, District- Darbhanga.
2. Sita Shran Yadav S/o Rambujhawan Yadav Resident of Village-Vishwanathpatti, P.S.- Singhwara, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 16-12-2019 Appellants seek pre-arrest bail in connection with Singhwara P.S.Case No. 81 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 385, 354B, 427 of the Indian Penal Code and Section 3 (i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per FIR there is allegation against the appellants that while informant was constructing wall on the land of one Atik Ahmad they came and abused him by taking caste name and there is specific allegation that on the order of appellant No.1 other co-accused persons tried to kill the informant by putting gamcha on his neck and also by drowning him in the pond.



Submission of learned counsel for the appellants is that there is land dispute between the parties and the land is of the appellants' side over which construction was being made.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellants stating that after charge sheet the case is found true and cognizance has been taken and moreover appellants were on police bail, which will appear from the case diary.

Having heard both sides and in the facts and circumstances, as stated above, I am not inclined to grant the privilege of anticipatory bail to the appellants. However, this appeal is disposed of with direction to the appellants to surrender and pray for regular bail, which shall be considered on the basis of the fact that there is land dispute between the parties and they have been granted police bail and they have not misused the same and, if possible, to be disposed of on the same day.

(Vinod Kumar Sinha, J)

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