

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3899 of 2018

Arising Out of PS. Case No.-7 Year-2017 Thana- SC/ST District- Bhagalpur

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1. Kilash Yadav @ Subhash Yadav,
 2. Subodh Yadav, Both Appellant No. 1 and 2 are son of Hari Prasad Yadav,
 3. Manoj Yadav,
 4. Krityanand Yadav, Both Appellant No. 3 and 4 are Son of Late Bindeshwari Yadav, All Appellant No. 1 to 4 are resident of Village- Birbanna, P.S. Antichak, and District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar Sinha
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-01-2019 At the very outset, submission of the learned counsel for the appellant is that the appellant no.1 (Kailash Yadav @ Subhash Yadav) has been arrested during the pendency of this appeal, as such this appeal against the appellant no.1 has become infructuous.

Hence, the application against the appellant no.1 is dismissed as withdrawn.

The appellant is apprehending his arrest in connection with Bhagalpur SC/ST. Case no.07 of 2017, registered for offences punishable under Sections 341, 323, 506/34 of the Indian Penal Code and Section 3(i)(r), 3(2)(va) of S.C./S.T. (Prevention of Atrocities) Act.



So far appellant nos. 2 to 4 are concerned, there is allegation against the appellants and other accused persons of abusing the informant by taking caste name and assignating the informant who is a member of the Panchayat Samity.

Submission of the learned counsel for the appellants is that there is delay of 11 days in lodging the FIR and the occurrence took place with respect to distribution of flood relief and no specific allegation of abuse by taking caste name has been made.

Heard learned A.P.P. also, who has opposed the prayer for bail that the appellants were on police bail.

Having heard both sides and in view of the facts and circumstances, as stated above, the appellants are directed to surrender before the learned special judge within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned special judge on the submission that they have not misused the privilege of the bail and if possible to be disposed of on the same day.

With the aforesaid observation, this appeal is disposed of.

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(Vinod Kumar Sinha, J)

