

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4631 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- SC/ST District- Araria

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1. Ram Sharan Chaudhary @ Ram Shoren Chaudhary Yadav, Son of late Shiv Lal Chaudhary@ Shiv Lal Chaudhary Yadav
 2. Guru Dayal Chaudhary@ Guru Dayal Yadav, Son of Ram Sharan Chaudhary@ Ram Sharan Chaudhary Yadav
 3. Mithilesh Kumar @ Mithilesh Yadav@ Mithun Yadav, Son of Ram Sharan Chaudhary@ Ram Sharan Chaudhary Yadav Resident of Village Badhaubi, P.S. Palasi, District- Araria.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 24-01-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 2.11.2018 passed by Additional Sessions Judge-I-cum-Special Judge, Araria, in ABP No. 1650 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Special (SC/ST) P.S.Case No. 234 of 2017, arising out of Araria SC/ST Case No. 51 of 2017, registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of assault to the informant and also abused him by taking his caste name and further it appears that they have been given the benefit of Section 41 Cr.P.C.

Submission of learned counsel for the appellants is that the allegation is false and concocted and they have falsely been implicated and



there is land dispute between the parties and they have not misused the benefit granted to them under Section 41 Cr.P.C.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, surrender within a period of six weeks from the receipt of this order and pray for bail, which shall be considered on the basis of the fact that earlier they have been given the benefit under Section 41 Cr.P.C. and they have not misused the same 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	

