

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4608 of 2018

Arising Out of PS. Case No.-95 Year-2018 Thana- SC/ST District- East Champaran

1. Rameshwar Upadhyaya
2. Rajiv Kumar Upadhyaya @ Rajiv Upadhyaya, both sons of Late Kapildeo Upadhyaya,
3. Dilip Upadhyaya, Son of Late Ramsharan Upadhyaya, all are residents of Village-SujaitPur, P.S.- Govind Ganj, District- East Champaran.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 20.11.2018 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, East Champaran, in A.B.P. No.2554 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Motihari SC/ST P.S.Case No. 95 of 2018, registered under Sections 341, 323, 324, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have assaulted the informant and others and also abused the informant by taking his caste name. It further appears that they have criminal antecedents.

Submission of learned counsel for the appellants is that there is general and omnibus allegation against the appellants and there was dispute from before between the parties.



Heard learned Special P.P. and learned counsel for the informant, who has opposed the prayer for anticipatory bail of the appellants stating that they have criminal antecedents and there is allegation of assault against them.

Having heard both sides and in the facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the appellants, rather they should surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

With the above observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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