

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2528 of 2021

Arising Out of PS. Case No.-116 Year-2020 Thana- BAJPATTI District- Sitamarhi

1. SHIVAM KUMAR S/O Late Ramadhar Thakur Resident of village - Balaha Manorath, P.S. - Bajpatti, District - Sitamarhi.
2. Vipin Kumar Thakur @ Vipin Kumar S/O Late Digo Thakur Resident of village - Balaha Manorath, P.S. - Bajpatti, District - Sitamarhi.
3. Sunil Thakur @ Sunil Kumar Thakur S/O Late Bishambhar Thakur Resident of village - Balaha Manorath, P.S. - Bajpatti, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Alok Kumar Jha, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

The appellants have challenged the order dated 17.03.2021 passed by the learned 1st Additional Sessions Judge-cum-Spl. Judge, SC/ST (POA) Act, Sitamarhi in A.B.P. No. 482/2021/50/2021 arising out of Bajpatti P.S. Case No. 116 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)/2(va) of the SC/ST Act has been rejected.



Learned counsel for the appellants has submitted that no such occurrence as reported in the FIR ever took place and the appellant no. 1 who is an Engineer and 2 and 3 who are aged persons have wrongly been made accused in this case.

However, regard being had to the fact that the appellants were on police bail during the course of investigation, this appeal is being disposed of with a direction that in case the appellants surrender before the court below and seek bail, all the aforementioned points shall be taken into account and an order shall be passed without being prejudiced by the fact that the present petition on their behalf has not been entertained.

The court below shall also take into account that the appellants have never misused the privilege of police bail during the period of investigation.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

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