IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5692 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- MAHILA P.S District- Supaul

==========

1. DEV PRASAD MUKHIYA S/o Sri Bhuwan Mukhiya R/o village- Lalmanpatti, P.S.- Dagmara (Kunauli), District- Supaul
2. Dinesh Prasad Mukhiya @ Dinesh Yadav @ Dinesh Pd. Yadav S/o Jai Narayan Yadav R/o village- Dudhela, P.S.- Nirmali, District- Supaul

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

==========

Appearance :
For the Appellant/s : Mr.Nafisuzzoha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP

==========

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-02-2021 Heard both sides.

The appellants filed this appeal under Section 14(A)(2) of the S.C./S.T.(Prevention of Atrocities)Act for grant of anticipatory bail in Supaul Mahila P.S. Case No.114 of 2018 registered under Sections 341, 323, 354B, 504 and 34 of the Indian Penal Code and under Sections 3(i)(w)(i) of S.C./S.T. Act and against the order dated 22.10.2019 passed by the learned Additional Sessions Judge I-cum-Special Judge, Supaul in A.B.A. No.1119 of 2019 by which the learned Special Judge rejected the prayer for anticipatory bail of the appellants.

Learned counsel for the appellants submits that Most. Chhitiya Devi earlier filed Complaint Case No.536C of 2015

WEB COPY

and when the appellants were acquitted on 27.09.2018, the informant filed the present case making almost same and similar allegation. It is further submitted that investigating officer did not require the custodial interrogation of the appellants and directed the appellants to surrender in the court below under Section 41(1) of the Cr.P.C. It is submitted that appeal may be disposed of with a direction to the appellants to surrender in the court below who shall consider the case of the appellants taking into consideration the aforesaid facts.

Having considered the submission, I dispose of this appeal with a direction to the learned Special Judge, Supaul to consider the case of the appellants, on their having been surrendered for grant of bail, on the submission made by the appellants as aforesaid and dispose of the same preferably on the same day.

With the aforesaid observation, this appeal is disposed of.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	

WEB COPY