

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3051 of 2022**

Arising Out of PS. Case No.-213 Year-2021 Thana- BUNIYAD GANJ District- Gaya

1. DHARMENDRA YADAV Son of Sidheshwar Yadav Resident of village - Sadipur, P.S.- Buniyadganj, District - Gaya
2. Harendra Yadav @ Harendra Kumar Son of Sidheshwar Yadav Resident of village - Sadipur, P.S.- Buniyadganj, District - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ritika Rani, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-11-2022 Heard learned counsel for the appellants and the State.

The present appeal has been filed for setting aside the order dated 1.7.2022 passed by Exclusive Special Judge, SC/ST Act, Gaya in a case registered for the offence punishable under Sections 323/302 and other sections of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act, whereby the prayer for pre-arrest bail of appellants has been rejected.

As per the prosecution case, these appellants and other accused persons assaulted brother of the informant causing his death during treatment.

It is submitted on behalf of appellants that the appellants are innocent and have falsely been implicated in this case. There is general and omnibus allegation of assault against these appellants and no specific overt act has been alleged against them.

However, learned counsel for the State opposes the



prayer for pre-arrest bail and submits that the appellants are one of the assailants of the deceased.

Considering the aforesaid facts and circumstances, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, seeking pre-arrest bail to the appellants, is hereby dismissed.

(Prabhat Kumar Singh, J)

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