

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1010 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -MEERGANJ District- PURNIA

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1. Prem Lal Mahto S/o late Akal Mahto Resident of Village- Verma Colony, Rangpura, P.S.- Mirganj, District- Purnea./

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Ranjan Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-06-2017

The appellant seeks anticipatory bail in connection with Mirganj P.S. Case No.78 of 2016 registered for the offences punishable under Sections 341, 323, 354 and 504 of the Indian Penal Code and Section 3(iii) (x) of the SC/ST (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is of assault to the informant who was a candidate of the panchayat election and also of abusing him by taking his caste name.

It has been submitted on behalf of the appellant that no case is made out under Section 3(iii)(x) of the SC/ST Act as it has not been in the public purview. It has also been submitted that except the allegation of assault by fists there is nothing against him.



Heard learned Special P.P. also. It has been submitted that the allegation made in the FIR prima facie shows a case under Section SC/ST Act against the appellant.

Having heard both sides, in view of having prima facie allegation against the appellants under the above mentioned Section of the SC/ST Act, this appeal for grant of anticipatory bail is not maintainable, rather appellant to surrender before the special court and make prayer for regular bail before the special court which will be considered by the court on the basis of the materials as well as submissions advanced by the learned counsel for the appellant specially the fact that no specific allegation has been attributed against the appellant and after considering the same dispose of the application without being prejudiced by the order of this Court, if possible on the same day.

With the above observation, this appeal is disposed of.

Arvind/-

(Vinod Kumar Sinha, J)

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