

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.885 of 2017

Arising Out of PS.Case No. -21 Year- 2016 Thana -GARKHA District- SARAN

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1. Viki Rai @ Viki Kumar 2. Bikram Rai @ Bikram Kumar, both sons of Arun Rai 3. Shailesh Rai, Son of Asarfi Rai, 4. Paramhans Rai, Son of Ram Sarekh Rai, All residents of Vllage – Ladhpur, P.S. – Garkha, District –Saran at Chapra.	Versus	 Appellant/s
The State of Bihar		 Respondent/s

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Appearance :

For the Appellant/s : Mr. Tej Pratap Singh
For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 17-05-2017 Present appeal has been preferred by the appellants under Section 14A of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, for grant of pre arrest bail in connection with Garkha P.S. Case No. 21 of 2016, for offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 354 Indian Penal Code and Section 3(i)(x) of SC/ST Act.

Allegation against the appellants, that they abused the informant by calling his caste name and also assaulted him and when the wife of informant came to rescue him, they also assaulted her and tried to outrage her modesty.

It has been submitted on behalf of the appellants that they have falsely been implicated in this case due to land dispute and



there is case and counter case between the parties. Further appellants side have also received injuries, some of them are grievous in nature and the injury received by the informant was found to be simple in nature

Heard learned Special Public Prosecutor. He has opposed the prayer for pre arrest bail.

Having heard both sides, in view of the fact that a *prima facie* case, attracting the provisions of SC/ST (Prevention of Atrocities) Act and other Sections of Indian Penal Code is made out against the appellants, as such, I am not inclined to grant the privilege of pre arrest bail to the appellants, rather appellants should surrender before the court below and make above submission and the court below after considering the fact there is case and counter case between the parties and both sides have received injuries, shall pass an appropriate order, if possible on same day, without being prejudiced by the order of this Court.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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