

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1130 of 2017

Arising Out of PS.Case No. -137 Year- 2016 Thana -RAJAULI District- NAWADA

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1. Ramotar Mistry @ Ramawatar Mistry, son of Rupan Mistry
 2. Punam Kumari, daughter of Ramotar Mistry @ Ramawatar Mistry
 3. Puja Kumari, daughter of Ramotar Mistry @ Ramawatar Mistry
 4. Chameli devi, w/o Ramotar Mistry @ Ramawatar Mistry, all residents of village Vilaspur, P.S. Rajauli, District Nawada

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Krishna Deo Raj, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 23-06-2017 Learned counsel for the appellants is permitted to make necessary correction in the memo of appeal in the course of the day.

Heard learned counsel for the appellants and learned Special P.P.

This appeal has been filed for setting aside the order the order dated 10.8.2016 passed in A.B.P. No. 657 of 2016/240/2016 by Additional Sessions Judge-I, Nawada, arising out of Rajauli P.S.Case No. 137 of 2016 registered for the offences under Sections 341, 323/34 of the Indian Penal Code and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation against the appellants as per FIR is that



they assaulted the informant, who is a lady.

It has been submitted on behalf of the appellants that there is vague allegation against the appellants and on the basis of the same no case is made out under SC/ST Act.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(x) of the Act is made out against the appellants, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable, rather appellants to surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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