

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1256 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -MAHILA P.S. District- KISANGANJ

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Radha Devi, wife of Suresh Prasad Ray, resident of Village- Dumaria
Bhatta, P.S. Kishanganj, District- Kishanganj.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Amal Kumar Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-05-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 24.3.2017 passed by Special Judge, Kishanganj, in
A.B.P. No. 6 of 2017, arising out of Kishanganj Mahila P.S.Case
No. 03 of 2017, registered for the offences under Sections 376,
341, 324, 504, 506/34 of the Indian Penal Code and 4/6 of POCSO
Act, including offence under provisions of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act and for grant of
anticipatory bail to the appellant.

Allegation as per FIR is that daughter of the informant
was raped by son of the appellant and further allegation is that
when the informant had gone to make complaint to the appellant



and her husband they abused him.

It has been submitted on behalf of the appellant that main allegation is against son of the appellant and she is his mother and there is no specific allegation that she abused the informant and others.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under the provisions of SC/ST Act is made out against the appellant, as such, this application for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this application is not maintainable, rather appellant surrender and make prayer for regular bail, which will be considered by the 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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