

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.435 of 2017

Arising Out of PS.Case No. -27 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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1. Arun Mandal @ Arun Kumar Mandal
2. Baleshwar Mandal @ Balkrishna Mandal
Both sons of Jagdish Mandal, resident of village-Kamat Kishunganj,
Panchayat-Chunni, P.S.-Chhatapur, District-Supaul.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr. Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 21-06-2017 The appellants seek anticipatory bail in connection with Chhatapur P.S. Case No.27 of 2016 registered for the offences punishable under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code and Section 3(1) (x) of the SC/ST (Prevention of Atrocities) Act, 1989.

Allegation against the appellants and other accused persons is that they have abused the informant by taking her caste name.

It has been submitted on behalf of the appellants that the entire allegation made in the FIR is false and concocted one and the same has been filed just to save their skin as the appellants have filed a case against the informant and others and large number of proceedings are going on between the parties.



Heard learned Special P.P. also, who has opposed the prayer for bail by submitting that the allegation made in the FIR prima facie shows a case u/s SC/ST Act against the appellants, hence prayer for pre-arrest bail is not maintainable.

Having heard both sides, in view of the allegation, the pre-arrest bail is not maintainable.

However, the appellants may surrender before the court below and make prayer for regular bail, which shall be considered on the basis of the submission that earlier a case has been filed by the appellants against the informant and others and large number of proceedings are going on between the parties and shall pass an appropriate order without being prejudiced by the present order, if possible on the same day.

With this observation, this appeal is disposed of.

Arvind/-

(Vinod Kumar Sinha, J)

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