

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1383 of 2017

Arising Out of PS.Case No. -1848 Year- 2015 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Sanjay Kumar Thakur @ Dr. Sanjay Kr. Thakur, son of Sri Bhubneshwar Thakur, resident of Village- Barauni-1, P.S.- Teghra, District- Begusarai.
2. Rinku Devi @ Rinku Devi, Wife of Mantun Yadav, Resident of Village- Papraur, P.S.- Barauni (Zero Mile), District- Begusarai.

.... Appellants

Versus

1. The State of Bihar.
2. Radha Devi, W/o Ganeshi Rajak, Village- Gaura, P.S.- Teghra, District- Begusarai.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Nilesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-08-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order the order dated 7.4.2017 passed in A.B.P. No. 442 of 2017 by Special Judge, SC/ST Act, Begusarai, arising out of Complaint Case No. 1848C of 2015 lodged for the offences under Sections 420, 323, 327, 328 of the Indian Penal Code and 3(1)(x), 3(2)(v) 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 have abused the informant by taking her caste name and also



there is allegation of negligence in operation.

It has been submitted on behalf of the appellants that the matter was enquired by the Civil Surgeon and he has not found any misconduct on the part of appellant No.1 and so far appellant No.2 is concerned, there is no allegation against her.

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. However, let appellants 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, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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