

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1393 of 2017

Arising Out of PS.Case No. -75 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

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Rajesh Gupta @ Rajesh Kumar Gupta, Son of Gauri Sah, resident of
Village Mirza Chowki, P.S. Mirza Chowki, District- Sahebganj
(Jharkhand).

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Praveen Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 1.4.2017 passed in A.B.P. No. 290 of 2017 by
Additional Sessions Judge-II-cum-Special Judge, Bhagalpur,
arising out of Pirpainty P.S.Case No. 75 of 2014 registered for the
offences under Sections 302/34 of the Indian Penal Code and
3(i)(x), 2(v) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and for grant of pre-arrest bail to the
appellant.

Allegation against the appellant as per FIR is that
dead body of husband of informant was found and appellant has
been named by the informant for causing his death.



It has been submitted on behalf of the appellant that he has falsely been implicated in this case and he has been made accused only on the basis of suspicion and he happens to be owner of the tractor and deceased was driver of the tractor and there is nothing against the appellant.

Learned Special P.P. has opposed the prayer stating that appellant has taken the deceased with him and thereafter dead body was recovered and in view of the provisions of SC/ST Act the appeal is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable.

Let the appellant 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 materials on record 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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