

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1533 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -PHULWARIA District- GOPALGANJ

- =====
1. Bittu Kumar, son of Umesh Singh @ Umesh Prasad
 2. Umesh Singh @ Umesh Prasad, son of Bhagwat Singh, Both residents of village Paikauli Bado, P.S. Fulwaria, District Gopalganj
- Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Indrajeet Bhushan, 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 19-05-2017 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. 536 of 2017 by 1st Additional District Judge, Gopalganj and for granting anticipatory bail to the appellants in connection with Fulwaria P.S.Case No. 56 of 2017, G.R.No. 836 of 2017, registered for the offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have abused the informant and assaulted him also and there is further allegation against them is that they used the caste of the informant in public view.



It has been submitted on behalf of the appellants that there is no specific allegation against the appellants of using caste name of the informant in public place and so far other allegation is concerned, the injuries are simple in nature and there is case and counter case between the parties.

Learned Special P.P. has opposed the prayer stating that there is prima facie case against the appellants under Section 3(1)(x) of SC/ST Act, as such, this application is not maintainable.

Having heard both sides and in view of allegation, let the appellants surrender and pray for regular bail before the court below, which shall be considered keeping in view the nature of injuries and there is case and counter case between the parties and disposed of by passing an appropriate order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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