

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1151 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -MAGADH UNIVERSITY District- GAYA

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1. Piyush Kumar, Son of Bhola Singh,
2. Bittu Singh, Son of Sarekha Singh, Both resident of village - Koshila,
P.S. Magadh University Bodh Gaya, District - Gaya (Bihar)

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dudheshwar Singh

For the Respondent/s : Smt Usha Kumari No-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-05-2017 Heard learned counsel for the appellants.

This appeal is for grant of privilege of pre-arrest bail to the appellants in connection with Magadh University P.S. Case No. 8 of 2017, registered under Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Allegation against the appellants is under Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and further allegation is that the appellants came to the shop of the informant and abused him as they want to sew the clothes free of cost. When the informant refused to do so, then they assaulted him causing head injury and taken away Rs. 18,000/-.



It has been submitted on behalf of the appellants that no case under Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out against the appellants and they have been falsely implicated in this case.

Heard learned Special P.P. also.

Learned Special P.P. opposes the prayer for anticipatory bail by submitting that the appellants have abused the informant by taking his caste name and assaulted him⁰ and, therefore, they do not deserve for anticipatory bail.

Heard both sides and in view of the allegation made against them and the submission as stated above, I am not inclined to grant the privilege of pre-arrest bail to the appellants. The appellants may surrender in the court below and pray for regular bail, which shall be considered on its own merit without being prejudiced by the order of this Court.

Accordingly, with the aforesaid observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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