

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.849 of 2017

Arising Out of PS.Case No. -214 Year- 2016 Thana -AKBARPUR District- NAWADA

=====

1. Ashok Pandit, Son of Shri Jageshwar Pandit,
2. Nand Lal Pandit, Son of Shri Bharat Pandit,
3. Satyendra Pandit, Son of Shri Rami Pandit,
4. Munni Pandit, Son of Shri Rami Pandit,
5. Arun Pandit, Son of Shri Utakh Pandit,
6. Ajay Pandit, Son of Shri Daso Pandit,
7. Bharat Pandit, Son of Shri Jageshwar Pandit,
8. Santosh Pandit, Son of Shri Rajo Pandit, All are resident of village - Kanauj, P.S. Akbarpur, District - Nawada

.... Appellants

Versus

The State of Bihar

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Shrivastava, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-06-2017 Heard learned counsel for the appellants and learned Special P.P.

This appeal has been filed for setting aside the order the order dated 14.2.2017 passed in A.B.P. No. 1158 of 2016/03 of 2017 by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Nawada, arising out of Akbarpur P.S.Case No. 214 of 2016 registered for the offences under Sections 147, 148, 448, 323, 504, 354 of the Indian Penal Code and 3(i)(x) 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 abused the informant by using his caste name.

It has been submitted on behalf of the appellants that caste 'Rajbanshi' is not within the list of SC/ST and, as such, no offence is made out against the appellants.

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, rather appellants should 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)

spal/-

U			
---	--	--	--

