

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1729 of 2017

Arising Out of PS.Case No. -191 Year- 2017 Thana -KANKARBAGH District- PATNA

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1. Gourav @ Gourav Kumar, son of Ajay,
2. Mansh @ Manish Kumar, son of Vijay,
3. Vijay @ Vijay Kumar, son of Ramsevak, all residents of Daxini postal
Park Gali, Road No.1A, P.S.- Kankarbagh, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Mouar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 This appeal is for grant of pre-arrest bail in connection

with Kankarbagh P.S. Case No. 191 of 2017 registered for the

offence under section(s) 3 (1) (r) of the SC/ST (POA) Act and

sections 341, 323, 504/34 of the Indian Penal Code.

Submission of the learned counsel for the appellants

is that the FIR itself shows that the appellants obstructed and

asked the informant to go slowly and instead of obeying their

suggestion, the informant has lodged a false and concocted case

against them making allegation of abusing by taking her caste

name and the large number of villagers after knowing this fact,

filed written statement before the Superintendent of Police stating

that no such occurrence took place.



Heard learned Special Public Prosecutor also.
Learned Special Public Prosecutor has opposed the prayer for bail of the appellants stating that on perusal of the FIR, a prima facie case under the abovementioned sections is made out against the appellants, as such, this appeal is not maintainable.

Having heard both sides and in view of the facts and circumstances, as stated above, this appeal is not maintainable.

Let the appellants surrender before the court below and make prayer for regular bail, which will be considered by the Special Court and the Special Court after considering the submission as stated above and the materials available on record, will pass an appropriate order, if possible on the same day, without being prejudiced by the order of this Court.

With the above observation/direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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