

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1217 of 2017

Arising Out of PS.Case No. -385 Year- 2016 Thana -PATORI District- SAMASTIPUR

- =====
1. Kapal Rai, Son of Late Danhaur Rai.
2. Gautam Kumar, Son of Kapal Rai, Both Resident of Village-
Chakarman, P.S.- Patori, Distt.- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, SPL, PP.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-06-2017 The appellants seek pre arrest bail in connection with Patori P.S.
Case No. 385 of 2016 registered for offences punishable under Sections 147,
148, 341, 323, 307, 504 of the Indian Penal Code and Section 3(1) (X) of the
SC/ST Act.

Allegation against the appellant is of assaulting the informant and
others and also abused taking his caste name.

It has been submitted on behalf of the appellants that the informant
is in habit of filing such type of cases against the persons and secondly from
the F.I.R., it appears that the occurrence took place in side the house as such
they have falsely been implicated.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a prima facie case
under the above mentioned Section of SC/ST Act is made out against the
appellants, as such, this appeal is not maintainable.

Let the appellants surrender before the special court and make



prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellants that no specific overt act has been attributed to him, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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