

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1910 of 2017

Arising Out of PS.Case No. -84 Year- 2016 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Saroj Singh, son of Pratap Singh
 2. Ganesh Singh, son of Mahadeo Singh
 3. Shankar Singh, son of Ramagya Singh
 4. Ialbabu Singh, son of Kishun Singh
 5. Vinod Singh, son of Dwarika Singh
 6. Pratap Singh, son of Mukti Singh @ Yukti Singh, all residents of village Jaypal Tola, P.S. Chiraiya, District East Champaran

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-07-2017 Heard learned counsel for the appellants and learned Special P.P.

This appeal has been filed for setting aside the order the order dated 29.4.2017 passed in A.B.P. No. 856 of 2017 by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, East Champaran, Motihari, arising out of Chiraiya P.S.Case No. 84 of 2016 for the offences under Sections 341, 323, 324, 307, 379, 34 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 taking his caste name and further



allegation is that they entered into the house of the informant and assaulted him also.

It has been submitted on behalf of the appellants that there is case and counter case also and the case filed by the appellants is earlier to the present case and from the appellants' side injuries have been received, which are simple in nature.

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 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)

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