

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1250 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -ISUAPUR District- SARAN

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1. Mritunjay Kumar Singh Son of Shiv Kumar Singh
2. Ashutosh @ Ashutosh Kumar Singh Son of Late Indrajit Singh
3. Subodh Kumar @ Subodh Kumar Singh Son of Suresh Singh
4. Kalamuddin Son of Badri Miya
5. Bicky Kumar @ Bikki Kumar Sharma Son of Harendra Sharma
6. Nitesh Kumar @ Nitesh Kumar Singh Son of Chandesghwar Singh
7. Surendra Prasad Son of Late Acheywar Prasad All Resident of Village-Nipania, P.S. Isuapur, District Saran at Chapra.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Bihari Tiwary, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-06-2017 The appellants seek pre-arrest bail in connection with Isuapur P.S. Case No. 70 of 2016 registered for the offences punishable under sections, 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and sections 3 (i) (x) of the SC/ST Act.

Allegation against the appellants is that they have abused the informant by taking his caste name and tried to obstruct him for casting his vote.

It has been submitted on behalf of the appellants that the appellants have falsely been implicated in the present case and one of the co-accused has already been granted anticipatory bail by the learned Sessions Judge itself and the case of the appellants



is similar to that co-accused and as a matter of fact, the appellants have been implicated in this case due to reason that appellant's mother was a candidate in the election.

Heard learned Special Public Prosecutor. Learned Special Public Prosecutor opposed the prayer for bail of the appellants stating that there is allegation against the appellants of abusing the informant and trying to obstruct him for casting his vote, as such, prima facie the case is made out under the SC/ST Act.

Having heard both sides.

In view of the allegation made in the F.I.R, this appeal is not maintainable.

Let the appellants surrender before the Special Court and make prayer for regular bail on the ground that co-accused has been released on anticipatory bail by the Sessions Judge itself and the Special Court considering the aforesaid facts 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, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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