

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1305 of 2017

Arising Out of PS.Case No. -21 Year- 2016 Thana -SC/ST BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Rahul Gupta S/o Rajmangal Gupta
2. Bikash Gupta S/o Rajmangal Gupta
3. Rajmangal Gupta S/o Sunar Gupta All Resident of Village- Bairagi,
Sonabarsa, P.S. Chiutaha, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-06-2017 It is submitted on behalf of the appellants that appellant no.3 has been arrested during pendency of this appeal, as such so far appeal of appellant no.3 is concerned, the same has become infructuous.

The appellants seek pre arrest bail in connection with Bagaha S.C./S.T.P.S.Case No.21 of 2016, registered for offences punishable under Sections 341, 323,379,504 & 34 of the Indian Penal Code and section 3(1)(r) (w) (e) of SC/ST (Prevention of Atrocities) Act.

Allegation, as per F.I.R. against the appellant is that while the informant was harvesting crops, the same was taken by Rahul Gupta and when she went to request the appellants, the family members of the appellants abused him by taking her caste name. Further story is that they have also snatched a



‘*mangalsutra*’ and golden ear rings. It is further alleged that the accused persons have also torn her clothes and tried to outrage her modesty. It is also submitted that the allegations are not specific rather there is general and omnibus allegation in nature and the appellant have been falsely implicated in this case..

Heard learned Special P.P. as well as the learned counsel for the informant. They have opposed the prayer for bail stating that there is allegation under Section 3 (e)(s) of the S.C./S.T. (Prevention of Atrocities) Act, as such this appeal is not maintainable.

Having heard both sides and in view of allegations as made in the F.I.R., let the appellants surrender before the Special Judge within a period of four weeks and make prayer for regular bail, which will be considered by him on the basis of submissions as stated above especially the submissions that no specific allegation has been attributed against any of the appellants and after considering the same as well considering the materials available on the record, he will dispose of the application of the appellants, if possible on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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