

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1387 of 2017

Arising Out of PS.Case No. -291 Year- 2016 Thana -DIGHA District- PATNA

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1. Mirtunjay Kumar, Son of Ram Charan Prasad.
2. Manju Devi, W/o Mirtunjay Kumar.
3. Sumit Raj @ Rocky, Son of Mirtunjay Kumar.
4. Sonu @ Sonu Kumar, Son of Mirtunjay Kumar. All Residents of
Mohalla- Bans Kothi Gate No. 97, P.S. Digha, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satish Chandra
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellants seek pre arrest bail in connection with

Digha P.S.Case No.291 of 2016, registered for offences

punishable under Sections 341, 447, 384, 385 & 506/34 of the

Indian Penal Code and section 3(i)(g) of SC/ST Act.

Submissions of the learned counsel for the appellants is

that the F.I.R. itself shows that the informant and others called for

measurement of land of the appellant no.1 and with respect to that

dispute has arisen and in order to make the case serious, allegation

has been alleged of abusing the informant by taking caste name.

On the other hand, after the occurrence, the appellant no.3 was

brutally assaulted and for that a separate case has been filed. So far

appellant no.2 is concerned, she is a lady but making false



allegation of abusing by taking caste name, the whole family members have been made accused in this case.

Heard learned Special P.P. also, who has opposed the prayer for pre arrest bail on the ground that the F.I.R. itself shows that the allegation under Section 3 of S.C. & S.T. (Prevention of Atrocities) Act, as such this appeal is not maintainable.

Having heard both sides and in view of allegation, this appeal is not maintainable.

Let appellant surrender before the court of Special Judge and make prayer for regular bail and on the basis of submission as advanced above as well as other submissions, the learned Special Judge will consider the aforesaid aspect of the matter and will dispose of the application for grant of bail of the appellants without being prejudiced by this order of this Court, if possible on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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