

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1963 of 2017

Arising Out of PS.Case No. -113 Year- 2017 Thana -DURAULI District- SIWAN

=====

1. Sonu Bhagat @ Sonu Kumar Kushwaha, son of Raj Mangal Bhagat,
2. Santosh Bhagat @ Santosh Kumar Bhagat, son of Raj Mangal Bhagat,
3. Pradeep Kumar Kushwaha @ Pradeep Bhagat @ Pradeep Kumar Bhagat, son of Sheodhari Bhagat,
4. Rakesh Kumar Kushwaha @ Rakesh Kumar @ Rakesh Bhagat, son of Sheodhari Bhagat,
5. Dhiraj Bhagat @ Dhiraj Kumar Kushwaha, son of Sheodhari Bhagat,
6. Sanni Bhagat @ Sanni Kumar Kushwaha, son of Raj Mangal Bhagat
7. Sheodhari Bhagat, son of Late Bhekhari Bhagat,
8. Hareram Bhagat, son of Late Bhekhari Bhagat,
9. Raj Mangal Bhagat, son of Late Bhekhari Bhagat, All are residents of Village- Gosopali, Police Station- Darauli, District- Siwan.

.... Appellants

Versus

The State of Bihar.

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 03-08-2017 Heard learned counsel for the appellants and learned Special P.P.

This appeal has been filed for setting aside the order the order dated 15.6.2017 passed in A.B.P. No. 837 of 2017 by Additional Sessions Judge-I, Siwan, arising out of Darauli P.S.Case No. 113 of 2017 registered for the offences under Sections 341, 323, 325, 379, 504, 506 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 assaulted the informant and his family



members.

It has been submitted on behalf of the appellants that FIR shows that dispute arose with respect to playing of cricket and on protest by the informant the occurrence took place and whole family members of appellants' side have been implicated in this case.

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 to 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)

spal/-

U			
---	--	--	--

