

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1909 of 2017

Arising Out of PS.Case No. -150 Year- 2016 Thana -CHANDAN District- BANKA

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Rinku Ray @ Rinku Kumar Ray, son of Saheb Ram Ray, resident of village
and P.O. Bank, P.S. Chandan, District Banka

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ramesh Kumar Choudhary, 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 appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 22.5.2017 passed in A.B.P. No. 529 of 2017 by
Additional District & Sessions Judge-I, Banka, arising out of
Chandan P.S.Case No. 150 of 2016, G.R.No. 3608 of 2016,
registered for the offences under Sections 302/34 of the Indian
Penal Code and 3(2)(v) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and for grant of pre-arrest bail to the
appellant.

Appellant is not named in the FIR.

It has been submitted on behalf of the appellant that
during investigation of the case the case has been found untrue
under Section 302 IPC, rather it is a case under Section 304 IPC



and cognizance has been taken by the court below against the appellant.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(2)(v) 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 appellant 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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