

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1361 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -BARBIGHA District- SEKHPURA

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1. Chhote Yadav Son of late Gopi Yadav
2. Ajay Yadav Son of late Dwarika Yadav
3. Ravindra Yadav Son of Naresh Yadav All Resident of Village- Goddi,
P.S. Barbigha (Kewti O.P.) , District- Sheikhpura.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 4.3.2017 passed in A.B.P. No. 18 of 2017 by
Additional District & Sessions Judge-I, Sheikhpura, arising out of
Barbigha P.S.Case No. 02 of 2017 registered for the offences
under Sections 341, 323, 504, 506, 379, 354/34 of the Indian Penal
Code, 27 of the Arms Act 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 have abused the informant by taking her caste name and there
is also allegation against appellant Ravindra Yadav that he



snatched her earring and appellant Chhote Yadav started firing and fled away from the place of occurrence.

It has been submitted on behalf of the appellants that prior to lodging of the present case, appellants have filed a case against the informant and in order to save her skin the present false case has been filed against them.

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. Let appellants 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.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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