

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1339 of 2017

Arising Out of PS.Case No. -279 Year- 2015 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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1. Ranjeet Kumar @ Ranjeet Kumar Sharma, Son of Sri Nagendra Sharma,
2. Sushma Sharma, Wife of Sri Ranjeet Kumar Both Residents of
Village/Mohalla- Pankha Toli, Police Station- Kaji Mohammadpur in the
district of Muzaffarpur.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Akhileshwar Pd. Singh, Sr.Advocate
with Mr. Bimal Kumar No.2, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 17.11.2016 passed in A.B.P. No. 19 of 2016 by
Additional Sessions Judge-III-cum-Special Judge, SC/ST Act,
Muzaffarpur, arising out of Kaji Mohammadpur P.S.Case No. 279
of 2015 registered for the offences under Sections 406, 420, 467,
384, 120B/34 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, who are Manager
and D.O. of Falcon Industries India Ltd., as per FIR is that they
used to take work from the informant, who deposited Rs.70,000/-
in fixed deposit account of the company and when the informant



requested to return the money they have abused him by taking his caste name.

It has been submitted on behalf of the appellants that prior to filing of the present case the appellants have filed a case against the informant with respect to defalcation of Rs.22,000/- (Annexure-2) and further they have returned the said amount, which is evident from Annexures 9 & 10.

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 in view of facts and circumstances, 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 materials available on record 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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