

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2078 of 2017

Arising Out of PS.Case No. -213 Year- 2016 Thana -GARAUL District- VAISHALI(HAJIPUR)

- =====
1. Mahendra Rai, son of Late kamal Rai
 2. Sanjit Rai
 3. Ranjit Rai
 4. Sunil Rai, appellants 2 to 4 are sons of Mahendra Rai, all residents of village Chera Kala, P.S. Goraul (O.P. Kathara), District Vaishali

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Dharmesh Kumar

For the Respondent/s : Smt. Usha Kumari No.1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 17-10-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Goraul (Kathara O.P.) P.S. Case No. 213 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 325, 504, 506 of the Indian Penal Code and Sections 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 19.4.2017 passed by Sri A.K.Jain, District and Sessions Judge, Vaishali.

Allegation against appellant No.1 is of abusing husband of informant and also of assaulting him by sharp cutting weapon and causing injury to him. So far appellants 2 to 4 are concerned, allegation is that they have outraged modesty of daughter of informant.



Submission of learned counsel for the appellants is that they have falsely been implicated in this case and allegation is against 50 accused persons, including the appellants and further submission is that prior to lodging of present case a case has also been filed on the appellants' side against the informant and others, which is pending and in order to create pressure upon the appellants the present false and concocted case has been lodged.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail on the ground of maintainability.

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

However, let appellants surrender and pray for regular bail, which shall be considered on the basis of submission made above and on the materials available on record and learned Special Judge will pass an appropriate order, without being prejudiced by this order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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