

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2787 of 2017

Arising Out of PS.Case No. -64 Year- 2015 Thana -SC/ST District- PURNIA

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1. Chandan Singh @ Chandan Kumar Singh, Son of Kamleshwari Prasad Singh,
2. Prashant Kumar, Son of Chandan Singh @ Chandan Kumar Singh, Both are residents of Mohalla- New Shivpuri, near Bal Bharti School, P.S.- Maranga, District- Purnea.

.... Appellants

Versus

1. The State of Bihar. null null
2. Most. Mangari, Wife of Late Birsu Oraon, Resident of Newalal Chouk (Land of Khokhan Sur), P.S.- Maranga, District- Purnea.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-10-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Special SC/ST Case No. 50 of 2016, arising out of SC/ST P.S. Case No. 64 of 2015 registered for the offences punishable under Sections 447, 341, 320, 354, 504/34 of the Indian Penal Code and Section 3(i)(x)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 23.8.2017 passed by Additional District & Sessions Judge-I-cum-Special Judge, Purnea.

By the impugned order cognizance of the offence under the aforesaid Sections of the IPC and SC/ST Act against the



appellants.

Submission is learned counsel for the appellants is that on perusal of record it appears that no prima facie case is made out against the appellants under SC/ST Act and cognizance has been taken in a mechanical way and without application of mind.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail on the ground that there are materials on record and complaint petition shows that there are materials on record.

Having heard both sides and in view of the facts and circumstances, without going into the merits of this case, this appeal is disposed of with a liberty to the appellants to raise all the points at the time of framing of charge and the same will be considered by learned Special Judge and he will dispose of the application, if any, filed before him, by a reasoned order.

(Vinod Kumar Sinha, J)

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