

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2171 of 2017

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Munchun Kewat, son of Mangal Kewat, resident of village Sohrarva, P.S.
Morkahi, District Khagaria

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 3.7.2017 passed in A.B.P. No. 14 of 2017 by
Additional Sessions Judge-I, Khagaria, arising out of Morkahi
P.S.Case No. 72 of 2017, G.R.No. 1544 of 2017, registered for the
offences under Sections 341, 323, 379, 354, 504, 506 of the Indian
Penal Code and 3(i)(r) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and for grant of pre-arrest bail to the
appellant.

Allegation against the appellant as per FIR is that he
entered the house of the informant and abused her by taking her
caste name and undressed her and also assaulted her.

It has been submitted on behalf of the appellant that
on perusal of FIR it appears that allegation is false and no case is



made out against him under the SC/ST Act as no such occurrence has taken place.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(r) of the Act is made out against the appellant, 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 to 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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