

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2629 of 2017

Arising Out of PS.Case No. -179 Year- 2017 Thana -TARAIYA District- SARAN

- =====
1. Ashok Singh, son of Late Parasnath Singh
 2. Surendra Singh, son of Late Parasnath Singh
 3. Santosh Singh @ Santosh Kumar Singh, son of Surendra Singh, all residents of village Molnapur, P.S. Taraiya, District Saran at Chapra
- Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Satya Prakash, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-09-2017 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel for the informant.

This appeal has been filed for grant of pre-arrest bail in connection with Taraiya P.S.Case No. 179 of 2017 registered for the offences punishable under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code and Section 3(i)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the order dated 28.7.2017 passed by Additional Sessions Judge-I, Saran at Chapra.

Allegation as per FIR against the appellants is of abusing the informant and others by taking caste name as also of spitting on his mouth.

Submission of learned counsel for the appellants is that



prior to institution of present FIR, appellant No.1 handed over the buffalo of the informant in Tola Fatak and, as such, the present case has been lodged. Apart from that, a complaint case has also been lodged against the informant and others by the appellants' side also and, as such, the prosecution case is false and concocted.

Learned Special P.P. has opposed the prayer for pre-arrest bail on the ground of maintainability.

Having heard both sides and in view of facts and circumstances of the case, the appeal is not maintainable.

Let appellants, named above, surrender and pray for regular bail before the court of Special Judge, which shall be considered and disposed of on the basis of materials on record and submission made above, if possible on the same day, without being prejudiced by this order.

The appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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