

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2235 of 2017

Arising Out of PS.Case No. -147 Year- 2017 Thana -KHIJARSARAI District- GAYA

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1. Bimal Mahto son of Kaleshwar Mahto
2. Jitendra Mahto S/O Rajaram Mahto @ Ram Niwash Sigh
3. Deo Nandan Singh S/O Kalicharan Prasad
All resident of village- Panchmahalla, P.S. Khizar Sarai, District- Gaya.
.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha

For the Respondent/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-08-2017 Heard the parties.

The appellants seek pre arrest bail in connection with Khizar Sarai P.S.Case No.147 of 2017 G.R.No.3182 of 2017, registered for offences punishable under Sections 341, 323, 379, 429, 504, 506, 509 and 34 of the Indian Penal Code and section 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is of abusing the informant by taking caste name and also assaulting him.

Submission of the learned counsel for the appellants is that prior to lodging of this case, an FIR was lodged by one of the appellants against the informant and others and just to save their skin, the present case has been lodged and the allegation under S.C./S.T. (Prevention of Atrocities Act) has been levelled



with an intention to make the case serious.

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

In view of the facts and circumstances, as stated above, this appeal is not maintainable.

Let the appellant surrender before the court of Special Judge and make prayer for regular bail, which will be considered by the learned Special Judge on the basis of submissions of the learned counsel for the appellants especially that earlier to that one of the appellants had filed a case.

Considering all aspects of the matter and other materials available on the record, the learned Special Judge will dispose of the case, if possible on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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