

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3010 of 2017

Arising Out of PS.Case No. -32 Year- 2015 Thana -SC/ST District- BANKA

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1. Gaurav Kumar Mishra Son of Sachchidanand Mishra Resident of village-
Ganaul, P.O.- Narayanpur, Police Station- Bihpur, District- Bhagalpur

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-11-2017 The appellant seeks pre arrest bail in connection with Banka SC/ST P.S. Case No. 32 of 2015, registered for offences punishable under Sections 341, 323, 379, 504, 506 and 34 of Indian Penal Code and section 3(i)(x)(xii) of SC/ST Act.

Allegation against the appellant is of abusing the informant by caste name.

It has been submitted on behalf of the appellant that other co-accused has already been granted the privilege of anticipatory bail and as appellant and said co-accused has made complaint against the informant, who is a peon (anusewak) in Jeevika Pariyojna, he has falsely implicated the appellant and co-accused in this case.

Heard learned Special P.P. also.



Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellant, as such, this appeal is not maintainable.

Let appellant surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellant, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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