

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1359 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -RANIYATALAB District- PATNA

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Gautam Kumar, son of Sri Rajendra Ram @ Rajendra Singh, resident of
village Berar, P.S. Rani Talab, District Patna

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Lovekush Kumar, Advocate

For the Informant : Mr. V.K.Sinha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 22-05-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 28.9.2016 passed by 1st Additional Sessions Judge,
Patna, in A.B.P. No. 4652 of 2016, arising out of Spl. (POCSO)
Case No. 41 of 2016, Rani Talab P.S.Case No. 30 of 2016 and for
grant of pre-arrest bail to the appellant.

Allegation against the appellant is that he caught hold
the sister of informant and tried to drag her but on alarm people
assembled there and he fled away.

It has been submitted on behalf of the appellant that
appellant has falsely been implicated and dispute relates to a road
between the parties and he is next door neighbour.

Learned Special P.P. and learned counsel for the



informant, who have opposed the prayer for pre-arrest bail of the appellant stating that prima facie case under Section 3(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 allegation, this appeal is not maintainable, rather appellant 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 disposed of the same by passing an appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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