

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1893 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -MAHILA P.S. District- SIWAN

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1. Arjun Mahto @ Arjun Kumar Son of Rambali Mahto
2. Hare Krishna Mahto Son of Rambali Mahto Both are residents of village
- Kail Tola Bazar, P.S. - Barharia, District - Siwan.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 1.6.2017 passed in A.B.P. No. 601 of 2017 by
Additional District Judge-I, Siwan, in Siwan Mahila P.S.Case No.
11 of 2017 registered for the offences under Sections 341, 342,
323, 376 and 34 of the Indian Penal Code, 6/8 of POSCO Act and
3(i)(w) II/2 (Va) of Scheduled Castes and Scheduled Tribes
Amendment Act, 2015 and for grant of pre-arrest bail to the
appellants.

Allegation against the appellants as per FIR is that
they committed rape upon the victim girl.

It has been submitted on behalf of the appellants that



appellant No.2 is a blind person and he has filed certificate in support of his contention (Annexure03). Further submission is that appellants have falsely been implicated in this case.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under the provisions of SC/ST Act is made out against the appellants, 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 appellants 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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