

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.453 of 2017

Arising Out of PS.Case No. -35 Year- 2015 Thana -SC/ST District- BHOJPUR

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1.	Hanuman Choudhary, Son of Late Thakur Choudhary.	
2.	Munna Choudhary @ Bhuneshwar Choudhary.	
3.	Satyendra Choudhary.	
	Both sons of Hanuman Choudhary	
	All residents of Village – Aosaiganj, P.S. Behiya, District – Bhojpur.	
		 Appellant/s
	Versus	
	The State of Bihar	
		 Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarendra Kumar Singh
For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

17- Present appeal has been preferred by the appellants under
05-2017 Section 14A(2) of the Scheduled Castes/Scheduled Tribes
(Prevention of Atrocities) Act, 1989, for grant of regular bail in
connection with Bhojpur SC/ST P.S. Case No. 35/2015, for the
offences punishable under Sections 341, 323, 379, 504/506/34
Indian Penal Code and Section 3(i)(x) of SC/ST (Prevention of
Atrocities) Act.

Allegation against the appellants that when the informant,
who is also a Sarpanch, went to the appellant no. 1 to sort out
some dispute between the accused persons and persons from
informants area, then all the accused persons started abusing him
by calling his caste name and also assaulted him and snatched
away Rs. 2,500/-.

It has been submitted on behalf of the appellant that no
case under the SC/ST(Prevention of Atrocities) Act, is made out
against the appellants as it was nowhere stated that the appellants



publicly humiliated the informant by calling his caste name and this false case has been lodged against the appellants only in retaliation of earlier case filed by the appellants against the informant. Moreover, now the parties have compromised and the informant himself has filed a petition that he does not wish to pursue the matter anymore.

Learned Special Public Prosecutor opposed the prayer for pre arrest bail.

Having heard both sides, in view of the allegation as made in the complaint petition, this appeal for pre arrest bail is not maintainable, as such, I am not inclined to grant the appellants the privilege of pre arrest bail rather appellants should surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submissions of learned counsel for the appellants and also after considering the fact that now the parties have compromised their disputes, shall pass an appropriate order, if possible on 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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