

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1962 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -BAUNSI District- BANKA

- =====
1. Mahesh Sah, son of Arjun Sah, resident of village Dafarpur, P.S. Barahat, District Banka
 2. Sudhir Kumar Sah, son of Bishnudeo Sah, resident of village Baldarpur, Balsira Kajreli (Nath Nagar), P.S. Nath Nagar, District Bhagalpur
- Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ras Bihari Thakur, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order the order dated 6.6.2017 passed in A.B.P. No. 609 of 2017 by Additional Sessions Judge-I, Banka, arising out of Baunsi P.S.Case No. 81 of 2017 registered for the offences under Sections 341, 323, 353, 379, 188, 332, 504/34 of the Indian Penal Code and 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation as per FIR is that 30 accused persons, including the appellants came and abused the informant by taking his caste name and forcibly taken away the vehicle and also committed theft of mobile also.

It has been submitted on behalf of the appellants that



no case is made out under the provisions of SC/ST Act against the appellants as they have not taken his caste name and further there is no occasion for the appellants to know the caste name of the informant and they have falsely been implicated in this case.

Learned Special P.P. has opposed the prayer stating that informant is a Government servant and he was humiliated and abused by taking his caste name and, as such, prima facie case under Section 3(1)(r) of the Act is made out against the appellants and the appeal is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable.

Let 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, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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