

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1901 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -SONEPUR District- SARAN

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1. Chhathu Singh Son of Late Ramdyal Singh
2. Birendra Singh Son of Late Ramdyal Singh
3. Umesh Singh, Son of Late Bhuwaneshwar Singh.
4. Sudhir Kumar Singh, Son of Umesh Singh.
5. Suresh Singh S/o Bharosa Singh
6. Pankaj Kumar Singh S/o Suresh Singh All Resident of Village-Sultanpur
P.O. + P.S.-Sonpur, District-saran.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-08-2017 At the very outset, learned counsel for the appellants has submitted that appellant No.2, Birendra Singh, has been arrested during the pendency of this appeal and, as such, this appeal with respect to appellant No.2 has become infructuous.

In view of above, this appeal is dismissed with respect to appellant No.2, Birendra Singh, as being infructuous.

Heard learned counsel for the appellants and learned Special P.P.

This appeal has been filed for setting aside the order the order dated 16.3.2017 passed in A.B.P. No. 606 of 2017 by Additional Sessions Judge-I, Saran, Chapra, arising out of Sonepur



P.S.Case No. 25 of 2017 for the offences under Sections 147, 148, 149, 307, 436, 504, 506/34 of the Indian Penal Code and 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation against the appellants as per FIR is that they abused the informant by taking his caste name and also assaulted him and further allegation is that they assaulted his wife and her clothes were torn.

It has been submitted on behalf of the appellants that the informant is in habit of filing false case and for that appellants have filed a petition before the Panchayat (Annexure-3) and there is general and omnibus allegation against the appellants.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(x) of the 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.

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 materials available on record 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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