

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.18 of 2017

Arising Out of PS.Case No. -59 Year- 2016 Thana -SC/ST District-
EASTCHAMPARAN(MOTIHARI)

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1. Manmohan Sharma S/o Rajkumar Sharma of Mohalla-Gandhi Nagar,
Gurudwara, P.S.-Motihari Town, Dist.-East Champaran

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-05-2017 Present appeal has been preferred by the appellant under

Section 14A of the Scheduled Castes/Scheduled Tribes
(Prevention of Atrocities) Act, for grant of pre arrest bail in
connection with Motihari SC/ST. Case No. 59 of 2016 for the
offences punishable under Sections 341, 323, 379, 504/34 Indian
Penal Code and Section 3(i)(r) (s) of SC/ST Act.

Allegation against the appellant is that he abused the
informant by calling him by his caste name and also assaulted
him.

It has been submitted on behalf of the appellant that as
per F.I.R, the occurrence alleged to have taken place in the market,
however, during the course of investigation none of the witnesses
have supported the prosecution version. He has falsely been



implicated in this case, as such, no case is made out against the appellants under the above mentioned Sections of Indian Penal Code as well as SC/ST (Prevention of Atrocities) Act.

Learned Special Public Prosecutor opposed the prayer for bail and submitted that *prima facie*, there is allegation against the appellant.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant the appellant, the privilege of pre arrest bail, this appeal is accordingly dismissed.

Let appellant surrender before the court below and make prayer for regular bail and if any such application is filed, the court below shall consider the same on the basis of submissions that none of the witnesses have supported the prosecution case and shall pass an appropriate order, if possible on the same day, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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