

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1267 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -PAKARIBARAW District- NAWADA

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1. Surendra Singh, Son of Late Dasrath Singh
2. Himanshu Kumar, Son of Surendra Singh
Both resident of Village – Meghipur, P.S. – Pakariwarawan, District-
Nawada.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Prasad Singh
Ms. Uma Kumari

For the Respondent/s : Mr. Binay Krishna

For opposite party no. 2 : Mr. Arun Kumar Arun
Ms. Subuhi

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 16-05-2017 Present appeal has been preferred by the appellants under

Section 14 (1) of the Scheduled Castes/Scheduled Tribes
(Prevention of Atrocities) Act, 2016, for grant of pre arrest bail in
connection with Pakariwarawan P.S. Case No. 153/15, for the
offences punishable under Sections 436 Indian Penal Code and
Section 3(2) of SC/ST Act.

Allegation against the appellants is that they along with
others assaulted the members of the informant family on the
background of land dispute and also took away the cash of Rs.
1,00,000/- and other ornaments worth Rs. 3,00,000/- and
threatened them for dire consequences if any case is lodged
against them. Further allegation that they abuse the informant by



calling his caste name.

It has been submitted on behalf of the appellants that the very basis of prosecution case that the land in question belonged to informant, is false and concocted as the land belonged to appellants and without knowing the fact *parcha* has been issued in favour of the informant, which has been challenged by the appellants before this Court in C.W.J.C No. 12748 of 2008 and this Court was pleased to stay the operation of the *parcha* issued by the Circle Officer. Even during the course of investigation, no construction was found on the land in question and the appellants have falsely been implicated in this case and, as such, no case is made out against the appellants under the above Sections of Indian Penal Code as well as SC/ST Act.

Learned Special Public Prosecutor as well as learned counsel for opposite party no. 2, opposed the prayer for bail and submitted that F.I.R itself discloses the allegation of SC/ST (Prevention of Atrocities) Act, against the appellants and charge-sheet has also been submitted against the appellants finding the case true against the appellants.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant the appellants, the privilege of pre arrest bail, this



appeal is accordingly dismissed.

Let appellants 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 made and shall pass an appropriate order, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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