

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.199 of 2017

Arising Out of PS.Case No. -155 Year- 2015 Thana -MANIHARI District- KATIHAR

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SK. SONU @ SONU, son of late Sk. Chamru, resident of village-Purab
Tola, Manihari, Ward No.14, P.S.-Manihari, District-Katihar.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimal Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 21-06-2017 The appellant seeks anticipatory bail in connection with Manihari P.S. Case No.155 of 2015 registered for the offences punishable under Sections 458 and 354B/34 of the Indian Penal Code, Section 8 of POCSO Act and Section 3(xii) of the SC/ST Act.

Allegation against the petitioner is that he along with one co-accused person has entered into the house of the informant and taken to his daughter to the forest area and tried to commit rape upon her. However, the daughter of the informant anyhow managed to flee away and disclosed all the matter to her parents.

It has been submitted on behalf of the petitioner that no specific allegation has been attributed against the petitioner and he has falsely been implicated in this case and as such he deserves privilege of pre-arrest bail.



Heard learned Special P.P. also. It has been submitted that the allegation made in the FIR prima facie shows a case u/s SC & ST Act against the appellant, hence prayer for pre-arrest bail is not maintainable.

Having heard both sides, in view of the allegation, the pre-arrest bail is not maintainable.

However, the appellant may surrender before the court below and make prayer for regular bail, which will be considered by the court below without being prejudiced by the order of this Court and the court below shall pass an appropriate order, if possible on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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