

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.541 of 2017

Arising Out of PS.Case No. -17 Year- 2016 Thana -BUDDHACOLONY District- PATNA

=====

Sunil Kumar S/o Late Ram Murti Rai, Resident of Dujra Devi Asthan
infront of Gate No.- 15, P.O.- G.P.O., P.S.- Budhha Colony, District- Patna.

.... Appellant

Versus

1. The State of Bihar.
2. Jyotshna Kumari D/o Sahdeo Prasad @ Rajesh Kumar, R/o Bash Ghat,
Kali Mandir, Mandiri, P.O.- G.P.O., P.S.- Budha Colony, District- Patna.

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Raghav Prasad, Advocate
For the Informant : Mr. Mukund Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 22-06-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 13.5.2016 passed in A.B.P. No. 1845 of 2016 by
Additional Sessions Judge-I, Patna, arising out of Buddha Colony
P.S.Case No. 17 of 2016 registered for the offences under Sections
341, 323, 379, 498A, 504, 506/34 of the Indian Penal Code and 3/
4 of Dowry Prohibition Act, including 3(i)(x) of Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act and for grant
of pre-arrest bail to the appellant.

Allegation against the appellant, who is husband, as
per FIR is that he along with another accused person abused the
informant by using her caste name and they abused her also, apart
from other allegation of cruelty and other allegations.



It has been submitted on behalf of the appellant that prior to lodging of this case the informant had lodged a case before Mahila Police Station and her statement made in the FIR is contradictory to the statement made before Mahila Police Station. It has also been submitted that the marriage is inter-caste marriage and, as such, the present allegation is false and concocted.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(x) of the Act is made out against the appellant, 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, rather appellant should surrender within a period of four weeks 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)

spal/-

U			
---	--	--	--

