

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.796 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -SC/ST District- SUPAUL

- =====
1. Shailendra Kumar Yadav @ Shailendra Yadav son of Anandi Yadav
 2. Kanchan Devi @ Kanchan Yadav, wife of Shailendra Kumar Yadav @ Shailendra Yadav.
 3. Anandi Yadav son of late Fudan Yadav, are resident of village- Bengaipatti, Ward No. 4, PS-Raghopur, District-Supaul.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-06-2017 The appellants seek pre-arrest bail in connection with Supaul P.S. Case No. 33 of 2016 registered for the offences punishable under sections 341, 323, 354, 447, 448, 504, 506/34 of the Indian Penal Code and sections 3 (i) (s) & (w) (1) of the SC/ST Act.

Allegation against the appellants, as per the F.I.R., is that they entered into the house of the informant and tried to take away her cow and when she protested, the accused persons abused the informant by taking her caste name.

It has been submitted on behalf of the appellants that prior to filing of the present case, the appellants lodged a case against the informant and allegation of abusing is not on public place and as such, no case is made out under the SC/ST Act.



Heard learned Special Public Prosecutor. Learned Special Public Prosecutor opposed the prayer for bail of the appellant and submitted that there is an allegation against the appellants of abusing the informant who belongs to scheduled caste and as such, prima facie, the case is made out under the SC/ST Act and this appeal is not maintainable.

Having heard both sides.

In view of the allegation made in the F.I.R, this appeal is not maintainable. Let the appellants surrender before the Special Court and make prayer for regular bail, which will be considered by the Special Court if possible on the same day without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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