

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1684 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

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1. Dhiraj Rai @ Dhiraj Kumar Rai, son of Sashi Rai, Resident of Village-
Kanti Kasba, Ward No.09, P.S.- Kanti, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Punam Shrivastava

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-08-2017 The appellant seeks pre arrest bail in connection with

Kanti (Muzaffarpur) P.S. Case No. 17/17, registered for offences
punishable under Sections 376, 504, 506 and 34 Indian Penal
Code, Section 4 of POCSO Act and section 3(i)(r)(w) of SC/ST
Act.

Prosecution story is that the informant had love affair
with one of the co-accused of this case and he on the pretext of
marriage committed rape on her and when she asked to perform
marriage, he denied and, thereafter, informant and his family
members came to the house with the proposal of marriage, present
appellant along with others abused them by caste name.

It has been submitted on behalf of the appellant that from
perusal of the entire F.I.R no allegation under the any section of
Indian Penal Code or POCSO act is made out against the appellant
and only general and omnibus allegation has been made and



further other co-accused person has already been granted the privilege of bail.

Learned Special P.P. opposed the prayer for bail on the ground that there is allegation against the appellant of abusing the informant by caste name and so far other accused person, who have been granted bail, no specific allegation has been made against them.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellant, as such, this appeal is not maintainable.

Let appellant surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the above submission of learned counsel for the appellant, shall pass an appropriate order, preferably 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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