

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.717 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -SC/ST District- SARAN

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Jagannath Prasad @ Jagannath Sah Son of Late Dharamnath Sah, Resident
of Village- Afaur, P.S.- Khaira O.P.- Nagra, District- Saran at Chapra.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sharma

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-06-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 4.11.2016 passed in A.B.P. No. 2651 of 2016 by
Additional Sessions Judge-I, Saran at Chapra, arising out of Saran
Sadar SC.ST Case No. 53 of 2016 instituted for the offences under
Sections 3(i)(ix)(x)(xi) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and for grant of anticipatory bail to
the appellant.

Allegation against the appellant as per FIR is that he
along with other accused persons entered the house of the
informant and abused her by taking caste name and thereafter they
surrounded the informant and undressed her and also assaulted
her.

It has been submitted on behalf of the appellant that



earlier appellant has filed an informatory petition against the informant and there is land dispute between the parties from before, as such, the present false and concocted case has been filed.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case for the offence under the provisions of SC/ST 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 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.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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