

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.838 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -SIRDALA District- NAWADA

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1. Dharmendra Yadav , Son of Moti Yadav,
2. Anant Yadav, Son of Jagdish Yadav
3. Vikash Kumar @ Vikash Kumar Yadav, Son of Anant Yadav, All R/o
Village- Sonpura, P.S.- Sirdala, District- Nawada.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Rajiv Ranjan, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-06-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 8.2.2017 passed in A.B.P. No. 1155 of 2016/03 of
2017 by Additional Sessions Judge-I-cum-Special Judge, SC/ST
Act, Nawada, arising out of Sirdala (Meskaur) P.S.Case No. 35 of
2016 registered for the offences under Sections 341, 323, 504,
354, 379, 448/34 of the Indian Penal Code and 3(i)(x) of
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act and for grant of pre-arrest bail to the appellants.

Allegation against the appellants as per FIR is of
abusing and assaulting the wife of informant as well as informant.

It has been submitted on behalf of the appellants that
the present case has been lodged by the informant just to save his



skin from the case lodged by the appellants earlier to filing of this case as no such occurrence took place and no case is made out under the provisions of SC/ST Act.

Learned Special P.P. has opposed the prayer stating that not only appellants abused wife of the informant but also assaulted the informant and in such a way appellants have committed offence under Section 3(i) (r)(n)(s) of the SC/ST Act, hence the appeal for grant of pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable, rather appellants 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, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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