

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1394 of 2017

Arising Out of PS.Case No. -292 Year- 2016 Thana -NANHNPUR District- SITAMARHI

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1. Bijali Mukhiya S/o Ramdeo Mukhiya
2. Bajrangi Mukhiya S/o Ramdeo Mukhiya R/o Village - Bahera, Zahidpur,
P.S. - Nanpur, District - Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dinesh Jha

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellants seek pre arrest bail in connection with Nanpur P.S.Case No.292 of 2016, registered for offences punishable under Sections 341, 323, 354, 379, 504 & 506/34 of the Indian Penal Code and section 3(x) of SC/ST Act.

Submissions of the learned counsel for the appellants is that prior to the occurrence, a case has been lodged by the family members of the appellants against the informant and others for outraging the modesty of the wife of the appellant no.1 and in order to save their skin from the aforesaid case, a panchayati was also held but in order to save their skin from the aforesaid case, the informant has lodged the present case, making false allegation of abusing and other allegation is in order to make the serious case under S.C. & S.T. (Prevention of Atrocities) Act, however, no



such occurrence has taken place.

Heard learned Special P.P. also, who has opposed the prayer for pre arrest bail on the ground that there is allegation under Section 3 of S.C. & S.T. (Prevention of Atrocities) Act.

Having heard both sides and in view of allegation, this appeal is not maintainable.

Let appellant surrender before the court of Special Judge and make prayer fore regular and which will be considered by the learned Special Judge on the ground of submission as stated above especially that prior to occurrence a case for outraging the modesty of wife of appellant no.1 has been lodged by the appellant and considering the aforesaid aspect of the matter as well as other materials available on the record, he will dispose of the prayer for bail of the appellant without being prejudiced by the order of this Court, if possible on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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