

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1971 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -KHAIRA District- SARAN

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1. Ram Ishwer Rai, son of Late Achhaie Rai,
2. Chhathu Rai, son of Late Sheodhari Rai,
3. Lallan Rai, son of Late Parma Rai, All resident of Village- Shahpur,
Police Station- Khaira, District- Saran at Chapra.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Shambhu Prasad Yadav

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 19.4.2017 passed in A.B.P. No. 1069 of 2017 by
Additional Sessions Judge-I, Chapra, arising out of Khaira
P.S.Case No. 71 of 2017 registered for the offences under Sections
447, 323, 147, 379/504 of the Indian Penal Code and 3(i)(r) 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 the informant by taking his caste name and also there is
allegation of assault against them.



It has been submitted on behalf of the appellants that there is delay in lodging of FIR and further there is general and omnibus allegation against the appellants and the injury is simple in nature.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(r) of the Act is made out against the appellants, 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 appellants 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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