

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1882 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -KAUAKOL District- NAWADA

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Kanhaiya Kumar @ Madhab Shankar, Son of Sri Mahto, Resident of
Village- Nawadih, Police Station- Rupau, District- Nawada.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 22.5.2017 passed in A.B.P. No. 387 of 2017/172 of
2017 by Additional Sessions Judge-I, Nawada, arising out of
Kauakol (Rupau) P.S.Case No. 11 of 2017 registered for the
offences under Sections 376/511 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 appellant.

Allegation against the appellant as per FIR is that he
attempted to commit rape upon the informant.

It has been submitted on behalf of the appellant that
the allegation has not been supported by medical evidence and he



has falsely been implicated in this case.

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 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.

Let appellant 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 materials available on record and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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