

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2473 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Ashok Rai, S/o Harendra Rai,
2. Harendra Rai, S/o Late Bhola Rai, Both resident of Village- Nawada Chak, P.S.- Vaishali, District- Vaishali.

.... Appellants/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Arvind Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-10-2017 The appellants seek pre arrest bail in connection with Vaishali P.S. Case No. 02 of 2017, registered for offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and section 3(x) of SC/ST Act.

Allegation against the appellants is of abusing the informant by caste name and also of assaulting the informant and his mother.

It has been submitted on behalf of the appellants that there is case and counter case between the parties and appellants side have also sustained injuries and further there is delay of fourteen days in lodging the F.I.R. It has also been submitted that it is alleged that appellants assaulted the informant, however, injury was found to be simple in nature.



Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellants, as such, this appeal is not maintainable.

Let appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellants there is case and counter case and delay of fourteen days in lodging the F.I.R and further injuries are from both sides, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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