

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1815 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

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1. Kira Rai, Son of Sukhdeo Rai,
2. Tunna Rai, Son of Kira Rai, Both R/o Village- Bangari, P.S.- Kanti,
District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Chandra Gandhi

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 05-07-2017 The appellants seek pre arrest bail in connection with

Kanti (Panapur O.P.), P.S. Case No. 105 of 2017, registered for

the offences punishable under Sections 323, 341 and 307/34 and

added Section 302 of the Indian Penal Code and Section 27 of the

Arms Act as well as 3(i) (R) of the SC/ST (POA) Act.

Allegation against the appellant is that named case

under Section 302 IPC as well as under Section 325 of the SC/ST

(POA) Act.

It has been submitted on behalf of the appellant that

earlier to the filing of the case son of the appellant no.1 was

murdered and for that case has been lodged against the two son's

of the informant and for that informant has threatened the



appellant. Informant has asked to withdraw the case and another case has been lodged on that ground of the present case has been lodged the son of the appellant. It has further been submitted that no specific allegation has been made of the appellant in this case.

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 appellant, as such, this appeal is not maintainable.

Let appellant surrender before the special court and make prayer for regular and if any such application is filed, the special court after considering the submission of learned counsel for the appellant that no specific overt act has been attributed to him, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of his Court.

With the above observation, this appeal is disposed of accordingly.

(Vinod Kumar Sinha, J)

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