

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2401 of 2017

Arising Out of PS.Case No. -150 Year- 2016 Thana -CHANDAN District- BANKA

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Pintu Das @ Pintu Kumar sonof Pradeep Das

Resident of village Khirhartari, P.S. Chandan, District- Banka.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 14-09-2017 Heard the parties.

The appellant seeks *pre arrest bail* in connection with Chandan P.S.Case No.150 of 2016 (g.R.No.3608 of 2016) registered for offences punishable under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Appellant is named in the FIR and allegation against the appellant and other co-accused persons is of assault to the deceased.

Submission of the learned counsel for the appellant is that except allegation that he had called the deceased, there is no allegation against him and he has not assaulted the deceased as well as the police has not found the allegation true against him. The appellant has not been sent up for trial and the cognizance has



been taken under Section 302/34 of the Indian Penal Code but not under Section 3 of SC/ST (Prevention of Atrocities) Act.

Heard learned Special P.P. also, who has opposed the prayer for bail on the ground that the appellant is named in the FIR and there is allegation that he had called the deceased.

Having heard both sides, this appeal is not maintainable.

Let the appellant surrender before the court of learned Special Judge and make prayer for regular bail, which will be considered by the learned Special judge on the basis of submissions as advanced above and considering the same, he will pass appropriate order, if possible 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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