

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.245 of 2017

Arising Out of PS.Case No. -1 Year- 2016 Thana -SC/ST District- GAYA

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Pankaj Mahto @ Pankaj Kumar, Son of Bineshwer Mahto @ Bindeshwar Prasad, resident of village : Sukha Bigha, P.S. –Wazirganj, District – Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Dharendra Pratap Singh, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 17-05-2017 The appellant seeks anticipatory bail in connection with SC/ST P.S. Case No. 01 of 2016, registered for offences punishable under Sections 341, 323, 447, 354, 504 and 506/34 of the Indian Penal Code and Section 3(1)(x)(xi) of SC/ST Act.

Allegation as per F.I.R is that appellant abused the informant by calling her by caste name and also assaulted her and her daughter.

It has been submitted on behalf of the appellant that only general and omnibus allegation has been levelled against the appellant and no specific allegation of overt act has been attributed to him either of abusing the informant or of assault rather the allegation of assault and abusing the informant is against other co-accused of this case.

Heard learned Special Public Prosecutor. He has opposed



the prayer for bail, submitting that there is allegation against all the accused persons of abusing the informant by taking her caste name and, as such, a *prima facie* case is made out against the appellant.

Having heard both sides, in view of the allegations, I am not inclined to grant the privilege of pre arrest bail to the appellant, this appeal is, accordingly, dismissed.

Let appellant surrender before the special court and pray for regular bail 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 the appellant shall pass an 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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