

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.32 of 2017

Arising Out of PS.Case No. -32 Year- 2011 Thana -BISHUNPUR District- DARBHANGA

=====

1. Ram Baidehi Choudhary Son of Thakko Choudhary Resident of Village-
Panchobha, Police Station Bishanpur, District Darbhanga

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shivendra Kumar Sinha

For the Respondent/s : Mr. Sri Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-05-2017 Present appeal has been preferred by the appellant under

Section 14A(2) of the Scheduled Castes/Scheduled Tribes
(Prevention of Atrocities) Act, for grant of pre arrest bail in
connection with Bishanpur P.S. Case No. 32 of 2011 for the
offences punishable under Sections 147, 148, 149, 323, 452, 307,
436, 427, 387, 504 and 380 Indian Penal Code and Section 3(x) of
SC/ST Prevention of Atrocities Act.

Appellant is named in the F.I.R and the prosecution case
as per F.I.R is that an altercation took place between the parties
due to casting of vote in a particular election and, thereafter,
unlawful assembly arrived at Ambedkar Chowk and damaged the
idol and also set on fire house of the informant due to which
several house hold articles were burnt.

It has been submitted on behalf of the appellant that
though appellant has been named in the F.I.R, however no specific



allegation has been attributed to him. He can only be said to be a member of mob and all the allegations are only general and omnibus in nature and as such no case under the above mentioned Sections of Indian Penal Code as well as SC/ST (Prevention of Atrocities) Act, is made out against the appellant.

Learned Special Public Prosecutor opposed the prayer for pre-arrest bail stating that there is allegation against the appellant in the F.I.R.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant the privilege of pre arrest bail to the appellant, accordingly, this appeal is dismissed.

Let appellant surrender before the court below and make prayer for regular bail and if any such application is filed, the court below after examining the fact that as to whether any specific allegation has been levelled against the appellant, shall pass an appropriate order, if possible on the same day, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

sunil/-

U		T	
---	--	---	--

