

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1311 of 2016

Arising Out of PS.Case No. -463 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Raj Mohammad, son of Late Khalil, resident of village Baidyanathpur, P.S.
Jharokhar, District East Champaran

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar

For the Respondent/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 07-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 4.6.2016 passed in A.B.P. No. 999 of 2016 by
Additional Sessions Judge-I, East Champaran, Motihari, arising
out of Ghorasahan (Jharokhar) P.S.Case No. 463 of 2014, G.R.No.
2017 of 2014, registered for the offences under Sections 341, 323,
504, 307 of the Indian Penal Code and 3(i)(x) of Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act and for grant
of pre-arrest bail to the appellant.

Allegation against the appellants as per FIR is that he
abused the informant by taking his caste name and assaulted him
also.

It has been submitted on behalf of the appellant that



the supervisory authority has not found involvement of the appellant in this case and further the parties have settled the dispute out of court.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(x) of the Act is made out against the appellant, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable. Let appellant surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day, without being prejudiced by this order..

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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