

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.835 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -SC/ST District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Krishna Mahto @ Krishna Bhagat @ Krishna Pd. Kushwaha, son of Dukhharan Bhagat
 2. Sunil Kumar, son of Krishna Mahto @ Krishna Bhagat @ Krishna Pd. Kushwaha, both the resident of village Chintamanpur, P.S. Pipra, District East Champaran, Motihari

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra with Mr.
Dhananjay Kr. Gupta, Advocates

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-06-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order the order dated 2.2.2017 passed in A.B.P. No. 3014 of 2016 by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Motihari, arising out of SC/ST Motihari P.S.Case No. 66 of 2016 registered for the offences under Sections 341, 323, 379, 504/34 of the Indian Penal Code and 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellants.

FIR discloses an offence under Section 3(i)(r)(s) of the SC/ST Act against the appellants.



It has been submitted on behalf of the appellants that they have falsely been implicated in this case due to village rivalry.

Learned Special P.P. has opposed the prayer on the ground of maintainability of the appeal as perusal of FIR it appears that prima facie case under Section 3(i)(r)(s) of the Act is made out against the appellants, 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, rather appellants should 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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