

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.765 of 2017

Arising Out of PS.Case No. -134 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Satendra Gupta, son of Bholu Shah,
2. Tilakdhari Gupta, son of Banshi Shah,
3. Banarashi Shah, son of Bhagawan Shah,
4. Guddu Gupta, son of Late Sona Sah,
5. Vikash Gupta, son of Sevak Gupta,
6. Bhantu Gupta @ Amit Gupta, son of Sevak Gupta,
7. Arvind Gupta, son of Sevak Gupta,
8. Ram Ashish Gupta, son of Bharat Shah,
9. Kundan Gupta, son of Late Prem Shah,
10. Sonu Gupta, son of Ramesh Shah, All are resident of Village- Khajura,
P.S.- Durgawati, District- Kaimur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arabind Nath Pandey

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 17-05-2017 Present appeal has been preferred by the appellants under Section 14A of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, for grant of pre arrest bail in connection with Dugawati P.S. Case No. 134 of 2016, for offences punishable under Sections 147, 149, 341, 323, 504, and 506 Indian Penal Code and Section 3(ii)(x) of SC/ST Act.

Allegation against the appellants, that they abused the informant by calling his caste name and also assaulted him and also tried to remove the statue of Dr. Bhimrao Ambedkar and place the statue of Mahatma Gandhi, which was situated in the area of informant and also tried to give the scuffle a colour of riot.

It has been submitted on behalf of the appellants that they



have falsely been implicated in this case and no specific allegation has been made against them and during the course of investigation, it has also come that no injury was caused to anyone and the allegation that they tried to remove the statue of Dr. Ambedkar and try to place their statue of Mahatma Gandhi, is not true as the scuffle took place between the parties with regard to payment of bill of food, which they have taken from the informant.

Heard learned Special Public Prosecutor. He has opposed the prayer for pre arrest bail.

Having heard both sides, in view of allegation attracting the provisions of Section 3(i)(r)(s) and 3(i)(x) of SC/ST (Prevention of Atrocities) Act, against the appellants, I am not inclined to grant the privilege of pre arrest bail to the appellants, rather appellants should surrender before the special court and pray for regular bail on the basis of above submission and the special court after considering the same, shall pass an appropriate order, if possible on same day, without being prejudiced by the order of this Court.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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