

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1171 of 2017

Arising Out of PS.Case No. -3 Year- 2016 Thana -SC/ST District- BANKA

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1. Chandra Kala Devi, Wife of Prakash Singh @ Jai Prakash Singh, Resident of village - Kathchatar, P.S. Rajoun, District - Banka
 2. Prakash Singh @ Jai Prakash Singh, S/o Late Keshav Singh, Resident of village - Kathchatar, P.S. Rajoun, District - Banka
 3. Hanspal Singh, S/o Prakash Singh @ Jai Prakash Singh, Resident of village - Kathchatar, P.S. Rajoun, District - Banka

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Praveen Kumar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-05-2017

Heard learned counsel for the appellants.

The appellants have filed the instant appeal in terms of Section 14(A) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 13.02.2017 passed by the learned 1st Additional Sessions Judge, Banka in connection with A.B.P. No. 148 of 2017 relating to S.C./ST P.S. Case No.3 of 2016 registered for the offence punishable under Sections 341, 323, 379, 506, 34 of the I.P.C. and Sections 3(i)(x) (4) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder prayer for anticipatory bail made on behalf of the appellants has been rejected.

Allegation against the appellant is of under Sections 341, 323, 379, 506, 34 of the I.P.C. and Sections 3(i)(x) (4) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)



Act and as per the allegation in the F.I.R., the appellant has tried to destroy the house of the informant and assaulted him by taking caste name.

It has been submitted on behalf of the appellant that prior to this case the appellant has also filed a case against the informant as he encroached the land of the appellants. It has further been submitted that the appellants have been falsely implicated due to land dispute.

Heard learned Special P.P.

Heard both sides and in view of the fact a prima facie case SC & ST (P.O.A.) Act is made out, I am not inclined to grant privilege of pre-arrest bail to the appellants. However, the appellant may surrender in the court below and pray for regular bail which shall be considered on its own merit and also on the fact that in this case final form has been submitted which will appear from Annexure-2.

Accordingly, with the aforesaid observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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