

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.297 of 2017

Arising Out of PS.Case No. -18 Year- 2016 Thana -WARSALIGANJ District- NAWADA

- =====
1. Bipin Kewat @ Vipin Kewat son of Vijay Kewat
 2. Tantan Kewat son of Vijay Kewat Both residents of village - Barnama, P.S. - Warsaliganj, District - Nawadah.

.... Appellant/s

Versus

1. The State of Bihar through the Spl. P.P. SC & ST.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar
For the O.P. : Mr. Sri Vishwas Ranjan Choudhary
For the State : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-06-2017 The appellants seek anticipatory bail in connection with Warsaliganj P.S. Case No. 18/2016, registered for offences punishable under Sections 302, 201/34 of the Indian Penal Code as well as Section 3(i)(x) of the SC/ST Act.

Allegation, as per F.I.R., against the appellants is that the occurrence took place between the parties in course of Saraswati Puja and due to which the husband of the informant was called by the appellants and other accused persons and thereafter his dead body was found next day.

It has been submitted on behalf of the appellants that the whole F.I.R. does not show that any offence under Section SC/ST Act has been made out and there is no eye-witness of the



occurrence. It has further been submitted that similarly situated co-accused Sharda Devi has already been granted anticipatory bail vide order dated 19.08.2016 passed in Cr. Misc. No. 25611/2016.

However, learned Special Public Prosecutor opposed the prayer for bail and further submitted that case u/s 3(i)(x) of S.C. and S.T. (POA) Act is prima facie made out against the appellants.

Having heard both sides, in view of the allegation made against the appellants, I am not inclined to grant the privilege of pre-arrest bail to the appellants. Accordingly, the same is rejected.

However, the appellants may surrender before the Court below and make prayer for regular bail on the basis of the submission that similarly situated co-accused has already been granted bail and the Court below shall pass an appropriate order, preferably on the same day.

(Vinod Kumar Sinha, J.)

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