

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1098 of 2017

Arising Out of PS.Case No. -267 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Arun Tiwari, son of Late Kamala Kant Tiwari,
2. Dilip Kumar Gupta @ Dilip Gupta, son of Late Dhodha Sah, Both residents of Village- Piprahiya, Police Station- Nawalpur, District- West Champaran.
3. Shiv Sah, son of Late Dhanraj Sah, resident of Village- Simari Bhawanipur, Police Station- Nawalpur, District- West Champaran.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Lalan Kumar Verma, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-06-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order the order dated 27.2.2017 passed in A.B.P. No. 238 of 2017 by Additional District and Sessions Judge-I, West Champaran, Bettiah, arising out of Jogapatti/Nawalpur P.S.Case No. 267 of 2015, corresponding to G.R.No. 3970 of 2015, registered for the offences under Sections 147, 148, 149, 323, 337, 338, 452, 380, 504 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 appellants.

Allegation against the appellants and large number of accused persons is that they were in procession and had abused the



informant by taking her caste name.

It has been submitted on behalf of the appellants that FIR itself shows that a mob of 5000 persons, including the appellants was crossing and as to who abused the informant has not been ascertained, which is clear from FIR and, as such, appellants deserve privilege of pre-arrest bail.

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 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 to 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.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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