

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.687 of 2017

Arising Out of PS.Case No. -132 Year- 2016 Thana -KHAJEKALLAN District- PATNA

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1. Urmila Devi, aged about 53 years, Wife of Sri Ashok Prasad,
2. Seema Devi, aged about 25 years, Wife of Sri Sujeet Kumar.
3. Sujeet Kumar aged about 28 years.
4. Shankar Kumar aged about 23 years, Both sons of Sri Ashok Prasad
5. Ashok Prasad @ Ashok Sah Aged about 58 years, Son of Late Ram Nandan Sao, All residents of Mohalla- Diwan Mohalla, Ram Janki Chauraha, P.S. Khajekalan, District- Patna.

.... Appellants

Versus

1. The State of Bihar.
2. Mostt. Bachiya Devi, Wife of Late Shiv Poojan Ram, Resident of Diwan mohalla Ram Janki Chauraha, P.S. Khajekala, District- Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 21-06-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 20.1.2017 passed in A.B.P. No. 7711 of 2016 by
Additional Sessions Judge-II-cum-Special Judge, SC/ST Act,
Patna, arising out of Khajekala P.S.Case No. 132 of 2016 for the
offences under Sections 341, 323, 354/34 of the Indian Penal Code
and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act and for grant of anticipatory bail to the
appellants.

Allegation against the appellants as per FIR is that
they used to throw garbage on the roof of the house of the



informant and they also assaulted her and threatened her to vacate her house.

It has been submitted on behalf of the appellants that there is general allegation against the appellants and no specific allegation is attributed against them and, as such, no case under the provisions of SC/ST Act is made out against them and they have falsely been implicated in this case.

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 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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