

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.267 of 2017

Arising Out of PS.Case No. -18 Year- 2014 Thana -SC/ST District- SAHARSA

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Navneet Kumar, son of Parmeshwar Yadav @ Maheshwar Yadav, resident
of Village- Sarauni, PS- Mahishi, District- Saharsa.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Diwakar Prasad Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 28-06-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 15.12.2016 passed in A.B.P. No. 894 of 2016 by
Additional Sessions Judge-I, Saharsa, arising out of Saharsa SC &
ST P.S.Case No. 18 of 2014 registered for the offences under
Sections 341, 323, 353, 504, 506/34 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 appellant.

Allegation against the appellant as per FIR is that he
abused the informant by taking his caste name.

It has been submitted on behalf of the appellant that
falsity of the case will appear from the fact that informant has



lodged the case on 13.6.2014, which is evident from FIR, but MVI has forwarded his application, as he was working as his Peon, on 12.6.2014 and, as such, appellant deserves 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 appellant, 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. Let appellant 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, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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