

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1944 of 2017

Arising Out of PS.Case No. -171 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Jaurdin Alam @ Jordin Alam, Son of Allauddin,
2. Suraj Kumar @ Suraj, Son of Shivcharan Sah @ Shivcharan Sahani,
Resident at In front of Chailaha State Bank, P.S.- Banjaria, District- East
Champaran.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Amit Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-08-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 2.6.2017 passed in A.B.P. No. 1274 of 2017 by
Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, East
Champaran at Motihari, arising out of Turkaulia P.S.Case No. 171
of 2017 registered for the offences under Sections 341, 509, 504,
354(b)/34 of the Indian Penal Code and 3(1)(r)(i) of Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act and
for grant of pre-arrest bail to the appellants.

Allegation against the appellants as per FIR is that
they misbehaved with the girl and tried to outrage her modesty.



It has been submitted on behalf of the appellants that the whole prosecution case is false and concocted as no such allegation has been made in the FIR itself and further the parties have settled the dispute.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(r) 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 its own merit, without being prejudiced by this order, preferably on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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