

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1980 of 2017

Arising Out of PS.Case No. -184 Year- 2016 Thana -HATHUA District- GOPALGANJ

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1. Rahul Singh @ Rahul Kumar Singh, son of Santosh Singh,
2. Nitish Kumar Singh, son of Dilip Singh, Both are residents of Village-
Rupan Chak, Police Station- Hathua, in the District of Gopalganj.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 03-08-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 7.6.2017 passed in A.B.P. No. 966 of 2017 by
Additional Sessions Judge-I-cum-Special Judge, Gopalganj,
arising out of Hathua P.S.Case No. 184 of 2016, G.R.No. 3135 of
2016, registered for the offences under Sections 341, 323, 354,
504, 427/34 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 appellants.

Allegation against the appellants as per FIR is that
they abused the informant by taking her caste name and tried to
outrage her modesty.

It has been submitted on behalf of the appellants that



prior to filing of the present case, one case has been filed by the appellants against the informant and, as such, the present case has been filed to put pressure upon the appellants and further submission is that specific allegation is against appellant No.1 Rahul Kumar Singh and not appellant No.2.

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, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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