

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2098 of 2017

Arising Out of PS.Case No. -61 Year- 2016 Thana -SC/ST District- SASARAM (ROHTAS)

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1. Ganesh Chaudhary Son of late Rajkeshwar Chaudhary
2. Lata Devi @Dalpuri W/o Sri Ganesh Chaudhary Both Resident of
Mohalla- Kushi, P.S.- Karakat (Gorari), District- Patna.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-08-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 18.3.2017 passed in A.B.P. No. 2524 of 2016 by
Additional Sessions Judge-I-cum-Special Judge, Rohtas, Sasaram,
arising out of Dehri P.S.Case No. 61 of 2016 registered for the
offences under Sections 341, 323, 379, 504, 34 of the Indian Penal
Code and 3(1)(r)(s) 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 snatched
her ear-rings and assaulted her also.



It has been submitted on behalf of the appellants that the present case is a counter blast to a case filed by the appellants, which is Annexure-2, and further there is no injury report available on record and allegation of abuse has only been made to make the case serious.

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)(s) 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 materials available on record 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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