

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2329 of 2017

Arising Out of PS.Case No. -188 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Pankaj Kumar @ Pankaj Rai, son of Mani Bhushan Rai, resident of village
Manpurwa, P.S. Madhuban, District East Champaran

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Virendra Kuar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 27.3.2017 passed in A.B.P. No. 360 of 2017 by
Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, East
Champaran, Motihari, arising out of Madhuban P.S.Case No. 188
of 2016 registered for the offences under Sections 341, 323,
302/34 of the Indian Penal Code and 3(i)(x), 3(2)(v) 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 of
abusing the son of the informant and thereafter crushing him by
motorcycle and he was taken to hospital and during treatment he
died.



It has been submitted on behalf of the appellant that it is a case of motorcycle accident and false and concocted case has been lodged against the appellant.

Learned Special P.P. has opposed the prayer for pre-arrest bail of the appellant 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 materials 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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