

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2877 of 2017

Arising Out of PS.Case No. -597 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Mukesh Kumar,
2. Sujeet Kumar
3. Pankaj Kumar
4. Rakesh Kumar @ Rakesh Kumar Singh, All are Sons of Chandeshwar Singh,
5. Chandeshwar Singh @ Chandeshwar Prasad, Son of Late Mahvir Singh, R/o Mohalla- Ahdarkila, P.S.- Hajipur Town (Nagar), District- Vaishali.

.... Appellants/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-10-2017 The appellants seek pre arrest bail in connection with Hajipur Town P.S. Case No. 597 of 2017, registered for offences punishable under Sections 147, 149, 452, 353, 354, 186, 341, 337, 427, 308, 504 and 506 of the Indian Penal Code and section 3(i)(r)(s) of SC/ST Act.

Allegation against the appellants that they along with several others entered into the police station and abused one of the inspector, who belonged to schedule castes and also police personnel by fists and slaps and damaged the Government property.

It has been submitted on behalf of the appellants that they have falsely been implicated in this case and in fact they had caught a dacoit and handed over to the police and police allowed



him to escape and when the appellants and others went to protest against the same, they have falsely been made accused in this case. Further informant has lodged one more case against the appellants for the same occurrence, in which they have been granted the privilege of anticipatory bail by the court below itself.

Learned Special P.P. opposed the prayer for bail on the ground of maintainability.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellants, as such, this appeal is not maintainable.

Let appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the above submissions of learned counsel for the appellants, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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