

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.174 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -GURUA District- GAYA

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Hazari Yadav, Son of Shivrati Yadav, resident of Village –Sanda, P.S. –
Gurua, District – Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 20-06-2017 The appellant seeks pre arrest bail in connection with

Gurua P.S. Case No. 33 of 2016, registered for offences

punishable under Sections 341, 323, 354, 504, 506 Indian Penal

Code and Section 3(1)(x) of SC/ST Act.

Allegation against the appellant is that he abused the
informant by taking her caste name and also assaulted her.

It has been submitted on behalf of the appellant that
allegation as levelled in the F.I.R, did not find support during the
investigation as none of the witnesses supported the prosecution
story regarding assault and abuse by the appellant, as such, no
offence under the above mentioned Section of Indian Penal Code
as well as SC/ST Act, is made out against the appellant.

Learned Special P.P. objected the prayer for bail and
submitted that a *prima facie* case is made out against the appellant.



Having heard both sides, considering the facts and circumstances of the case, from perusal of the F.I.R, it appears that a *prima facie* case is made out against the appellant under above mentioned section of SC/ST Act, as such, this appeal is not maintainable.

Let appellant surrender before the Special Court and make prayer for regular bail and if any such application is filed, the Special Court after considering the submissions of learned counsel for the appellant that no witness has supported the case of prosecution, shall pass an appropriate order, preferably on the same day, without being prejudice by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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