

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.842 of 2017

Arising Out of PS.Case No. -225 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Munna Kumar S/o Yogendra Sah resident of Kesariya, P.S.-Kesariya, P.S.-
Kesariya, Dist.-East Champaran.

.... Appellant

Versus

1. The State of Bihar
2. Shweta Kumari D/o Ashok Ram, of Vill- Keshariya Jhari, P.S.-Kesariya,
Dist.-East Champaran.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 22-06-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 6.2.2017 passed in A.B.P. No. 18 of 2017 by
Additional Sessions Judge-I-cum-Special Judge, SC/ST Act,
Motihari, arising out of Kesariya P.S.Case No. 225 of 2016
registered for the offences under Sections 354 A. B. C. D., 386,
387 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 appellant.

Allegation as per FIR is that one of the co-accused has
made Videography of informant in obscene posture and



allegation against the appellant is that he made photograph opened in mobile.

It has been submitted on behalf of the appellant that appellant has committed no offence and he has falsely been implicated in this case and during the course of investigation I.O. has not found the case true against the appellant.

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 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, rather appellant should 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.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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