

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1470 of 2017

Arising Out of PS.Case No. -65 Year- 2016 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

=====

Chhote Lal Sah, S/o Late Mundrika Sah, R/o Village- Siswania, P.S.-
Chanpatia, District- West Champaran.

.... Appellant

Versus

The State of Bihar.

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. A.K.Shrivastava
For the Informant : Mr. Anant Kumar Mishra
For the Respondent/s : Ms. Usha Kumari No.1

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 29.3.2017 passed in A.B.P. No. 154 of 2017 by
Additional District & Sessions Judge-I, West Champaran, Bettiah,
arising out of Chanpatia P.S.Case No. 65 of 2016 registered for
the offences under Sections 342, 323, 324, 307, 302, 120B 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 is of killing the
deceased.

It has been submitted on behalf of the appellant that
prior to the present case from the appellant's side Chanpatia



P.S.Case No. 156 of 2015 has been lodged and later on again a case has been filed by the side of appellant being Chanpatia P.S.Case No. 202 of 2016 with regard to abduction of daughter of appellant and due to previous enmity the present case has been filed.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under provisions of SC/ST 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 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)

spal/-

U			
---	--	--	--

