

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.697 of 2017

Arising Out of PS.Case No. -211 Year- 2015 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Lalan Singh, Son of Late Parmeshwar Singh,
2. Sanjay Singh, Son of Lalan Singh,
3. Shashi Ranjan Singh, Son of Lalan Singh,
4. Shanti Devi, wife of Lalan Singh,
5. Mangal Singh, Son of Late Shamru Singh, all are resident of Village-
Persauni Khem, P.S.- Chakia, District- East Champaran.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava
For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 21-06-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 22.9.2016 passed in A.B.P. No. 1888 of 2016 by
Additional Sessions Judge-I, East Champaran, Motihari, arising
out of Chakia P.S.Case No. 211 of 2015 instituted for the offences
under Sections 341, 323, 504, 379/34 of the Indian Penal Code
and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, including 3/4 of Dain Act and for grant of
anticipatory bail to the appellants.

Allegation against the appellant No.1 as per FIR is
that he abused and assaulted the informant and allegation against
other appellants is of assault.

It has been submitted on behalf of the appellants that



prior to lodging of the present case appellant No.1 had lodged a case in Gram Panchayat against the informant and in order to save her skin the present false and concocted case has been filed but no allegation for the offence under the provisions of SC/ST Act has been alleged against appellant Nos. 2 to 5. It has also been submitted that now charge-sheet has been submitted against the appellants.

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 SC/ST Act is made out against the appellants, 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 appellants 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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