

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1895 of 2017

Arising Out of PS.Case No. -360 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Arjun Kumar Yadav, son of Paras Nath Rai
2. Udai Yadav, son of Mahadev Rai, both residents of village Jaisinghpur
Karamwa, P.S. Turkaulia, District East Champaran

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sunil Kumar No.III, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 24.3.2017 passed in A.B.P. No. 113 of 2017 by
Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, East
Champaran, Motihari, arising out of Turkaulia P.S.Case No. 360
of 2016 registered for the offences under Sections 341, 323, 353,
382, 504, 506 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 appellants.

Allegation against the appellants as per FIR is that
during the course of distribution of scholarship money in school
they came there and assaulted the informant and abused him by



taking his caste name. So far allegation against appellant No.2 is concerned, there is no allegation of abusing the informant and such allegation is against appellant No.1.

It has been submitted on behalf of the appellants that there is general allegation against the appellants and no specific allegation is attributed against them and, as such, no case under the provisions of SC/ST Act is made out against them and they have falsely been implicated in this case.

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 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 with respect to appellant No.1, rather he 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, without being prejudiced by this order.

So far appellant No.2 is concerned, in the facts and circumstances, let him surrender within a period of four weeks and on his so surrendering learned Special Court will release him on



bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Turkaulia P.S.Case No. 360 of 2016, subject to the condition that he will cooperate in disposal of trial and will appear on each and every date.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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