

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1996 of 2017

Arising Out of PS.Case No. -20 Year- 2015 Thana -SC ST District- VAISHALI(HAJIPUR)

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1. Damodar Rai Son of Yogendra Rai
 2. Nandan Rai, Son of Damodar Rai
 3. Dharmendra Rai, Son of Harivansh Rai @ Hare Rai all residents of Bhanpur Bareba Post Padmaul P.S. Goraul, District Vaishali.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kaushal Kishor

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 06-09-2017 Heard learned counsel for the appellants and learned Special P.P. for the State.

This appeal has been filed against the order dated 06.04.2017, passed in A.B.P. No.5 of 2017 whereby the learned Additional Sessions Judge-I, Vaishali at Hajipur has rejected the prayer for grant of anticipatory bail, and for grant of pre-arrest bail in connection with SC/ST P.S. Case No.20 of 2015 registered for the offences punishable under Sections 448, 323, 385, 504, 506, 354(B) and 379/34 of the Indian Penal Code and 3(i)(x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of abusing the informant by caste name and also of assaulting the informant and trying to outrage her modesty.



Submission of learned counsel for the appellants is that the main allegation is against one Sagina Rai and he has been granted anticipatory bail though earlier to coming of the Act. It has also been submitted that nothing specific is alleged against any of the appellants.

Learned Special P.P. as well as learned counsel for the informant has opposed the prayer for pre-arrest bail of the appellants on the ground of maintainability of the appeal. It is also submitted that in view of the allegation, this appeal is not maintainable.

Having heard both sides and in view of the facts and circumstances, let appellants, above named, surrender before the court of Special Judge and pray for regular bail, which shall be considered on its own merit and on the basis of submission made above, especially in view of the fact that one of the co-accused has been granted anticipatory bail earlier, without being prejudiced by this order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J.)

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