

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1210 of 2017

Arising Out of PS.Case No. -2 Year- 2016 Thana -MAHILA PS District- AURANGABAD

=====

1. Nanka @ Viswajit @ Nanhka, Son of Jitendra Yadav, Resident of Village- Baijnath Bigha, P.S.- Town, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Kamendra Pd. Singh

For the Respondent/s : Mr. Sri Sadanand Paswan, Special P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-06-2017 The appellant seeks pre arrest bail in connection with Mahila P.S. Case No. 02 of 2016 registered for offences punishable under Sections 376(D) of the Indian Penal Code and Section 3(1) (X) (XI) 3(II) (VII) of the SC/ST Act.

Allegation against the appellant is of committing rape on the prosecutrix.

It has been submitted on behalf of the appellants that prosecutrix has not supported the prosecution case in her statement recorded under Section 164 Cr.P.C and has not stated about commission of rape, and police after investigation has submitted final form in this case, however, learned Magistrate differing with the opinion of the finding of the Investigating Officer has taken cognizance against the appellant under Section 376 IPC.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a prima facie case under the above mentioned Section of SC/ST Act is made out against the



appellants, as such, this appeal is not maintainable.

Let the appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellants and other materials available on the record, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

siddharth/-

U		T	
---	--	---	--

