IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.118 of 2017

Arising Out of PS.Case No. -33 Year- 2014 Thana -BUXAR MUFFSIL District- BUXAR

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1. Kamlakant Choubey,
2. Bhuvneshwar Choubey.
3. Narvdeshwar Choubey.
4. Sudama Choubey All S/o Tarkeshwar Choubey,
5. Binay @ Binay Choubey, S/o Muneshwar Choubey. All Resident of Village- Jarigawan, P.S.- Buxar (M), District- Buxar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Digvijay Kumar Ojha
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 16-05-2017 Present appeal has been preferred by the appellants under Section 14A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, for grant of pre arrest bail in connection with Buxar (M) P.S. Case No. 33/14 for the offences punishable under Sections 341, 147, 323, 353, 379, 354B Indian Penal Code and Section 3(i)(x) of SC/ST Act.

Allegation against the appellants is that they abused the informant by calling his caste name and assaulted the informant and snatched his golden chain. Further allegation is that the appellants tried to outrage the modesty of the sister of the informant.

It has been submitted on behalf of the appellants that appellants have falsely been implicated in this case. In fact,

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appellants have filed a complaint against the informant due to which the P.D.S. license of the informant was cancelled and due to which the present false case has been filed only to take revenge, as such, no case under above mentioned sections of Indian Penal Code as well as SC/ST (Prevention of Atrocities) Act, is made out against the appellants.

Learned Special Public Prosecutor opposed the prayer for bail and submitted that in this case cognizance has been taken against all the accused persons.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant the appellants, the privilege of pre arrest bail, this appeal is accordingly dismissed.

Let appellants surrender before the court below and make prayer for regular bail and if any such application is filed, the court below shall consider the same on the basis of submissions made about and shall pass an appropriate order, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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