

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2311 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

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Rajnish Srivastava, son of Rajan Srivastava, R/o Raj Compound, P.S.- Ram
Nagar, District- West Champaran.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 20.6.2017 passed in A.B.P. No. 642 of 2017 by
Additional District & Sessions Judge-II, West Champaran,
Bettiah, arising out of Bagha Mahila P.S.Case No. 08 of 2017
registered for the offences under Sections 376-G, 120B of the
Indian Penal Code and 3(xii)/ 2(v) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act and for grant of
pre-arrest bail to the appellant.

Allegation against the appellant as per FIR is of
kidnapping the victim girl and also committing rape upon her.

It has been submitted on behalf of the appellant that



both the parties have compromised the matter and a compromise petition has been filed before the court of Special Judge.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under the provisions of SC/ST Act is made out against the appellant, 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.

Let appellant 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 materials available on record and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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