

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2788 of 2017

Arising Out of PS.Case No. -162 Year- 2017 Thana -GAURICHAK District- PATNA

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Laxman Mahton, S/o Suresh Mahton, Resident of Village - Muradpur, P.S. -
Gaurichak, District - Patna.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-10-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of pre-arrest bail in connection with Gaurichak P.S. Case No. 162 of 2017 registered for the offences punishable under Sections 341, 323, 383, 504, 506 of the Indian Penal Code and Section 3(i)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 19.8.2017 passed by Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna.

Allegation against the appellant is of abusing the informant by taking his caste name and of assaulting him by lathi causing fracture injury to his hand.

Submission of learned counsel for the appellant is that no such occurrence has taken place, rather appellant had gone for



demanding his dues of Rs.200/- but instead of giving the amount he has implicated the appellant in a false and concocted case.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail on the ground of maintainability of the appeal.

Having heard both sides and in view of the allegation, this appeal is not maintainable, rather appellant to surrender and pray for regular bail, which shall be considered by learned Special Judge on the basis of submission made above as well as materials available on record and the court will pass an appropriate order 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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