

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.297 of 2018

Arising Out of PS.Case No. -245 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ramanand Sah,
 2. Parmanand Sah Both Son of Late Sita Ram Sah, resident of Village-
Pipra Khem, P.S.- Kalyanpur, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-02-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran at Motihari, in Kalyanpur Police Station Case No.245 of 2016 registered under Sections 448/341/323/354/307/504/34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants along with others is of abusing the informant by his caste name and assault to him and



his wife and also outraging her modesty.

Submission of the learned counsel for the appellants is that the occurrence took place at the darwaza of the informant and, as such, it is not in public view. Hence, the offence is bailable. Earlier the appellants were on bail.

Heard learned Special P.P. also, who opposed stating that cognizance has been taken against the appellants, as such, appeal with regard to pre-arrest bail is not maintainable.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is not maintainable. Let the appellants, above named, surrender before the learned Special Judge and pray for regular bail which will be considered by the learned Special Judge taking into account the aforesaid submission of the appellants and there is dispute between the parties and they were on police bail, he will dispose of the appeal on its own merit, if possible, on the same day, without being prejudiced by this order.

With the aforesaid observation, this appeal stands disposed of.

(Birendra Kumar, J)

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