

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1659 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- GARKHA District- Saran

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BIRENDRA SINGH Son of Sri Jamuna Singh Resident of Village - Aoudha,
P.S.- Garkha, Dist.- Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bishwajeet Singh

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 22-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 28.03.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Garkha P.S. Case No. 47 of 2019 registered under Sections 341, 323 and 504 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant submits that the appellant, who is of clean antecedent, is innocent and has not committed any offence. In fact, the altercation took place between the parties in which daughter of the informant sustained simple injury, which is evident from



Annexure-2. Hence, the appellant may be granted the privilege of pre-arrest bail.

Learned Special P.P. has vehemently opposed the prayer for pre-arrest bail and submitted that there is direct allegation of abusing the informant and her daughter by their caste names and assaulted them by means of lathi on the head of daughter of the informant caused head injury. Moreover, the prosecution witnesses have supported the prosecution version which is evident from 5, 6 and 7 of the case diary.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of pre-arrest bail to the appellant. Accordingly, the prayer for grant of pre-arrest bail is rejected.

Accordingly, this appeal is dismissed.

(Arvind Srivastava, J)

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