

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3304 of 2019**

Arising Out of PS. Case No.-92 Year-2019 Thana- SUGAULI District- East Champaran

CHATURI YADAV @ CHATURI RAI @ CHATRI YADAV Son of Feku
Yadav @ Feku Rai Resident of Village- Bhargawan Khas, P.S. Sugauli,
District- West Champaran at Bettiah.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER**

3 20-11-2019

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 04.07.2019 passed by learned 1st Additional Sessions Judge- cum- Special Judge, SC/ST Act, East Champaran at Motihari in connection with Sugauli P.S. Case No. 92 of 2019 registered under Sections 341, 323, 325, 379, 504, 506/34 of the Indian Penal Code and Section 3(5)(r)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellant 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, there is land dispute between the parties and on account of the same, the



appellant has falsely implicated in this case. Moreover, the injury sustained by the informant found to be simple in nature, which is evident from Annexure-2. Hence, the appellant may be granted the privilege of pre-arrest bail.

Learned Special P.P. appearing for the state has opposed the prayer for bail and submitted that the direct allegation of assault by the iron rod on the nose of the informant is attributed to the appellant resultantly the informant sustained nose injury and this appellant has also abused the informant by using her caste name. Hence, the appellant does not deserve the privilege of pre-arrest bail.

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, this appeal is dismissed.

(Arvind Srivastava, J)

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