

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5447 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- SC/ST District- East Champaran

HEERALAL YADAV Son of Ganesh Yadav Resident of Village - Chatia
Diyar, P.S.- Malahi, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-12-2019 This application, for grant of anticipatory bail, arises out of Motihari SC/ST P.S. Case No. 72 of 2019, disclosing offences under Sections 341, 323, 324, 325, 504 and 34 of the Indian Penal Code and Section 3(i)(r) of SC/ST Act.

Allegation against the appellant is of abusing the informant by caste name and also of assaulting him along with other accused persons.

Submission of learned counsel for the appellant is that no prima facie case is made out against the appellant and he has cited a decision of Hon'ble Supreme Court reported in 2018 (2) SC 126.

Learned Special P.P. opposed the prayer for pre arrest bail and submitted that from perusal of the F.I.R., it clearly appears that appellant abused the informant by caste



name and also assaulted him as such, prima facie case is made out against the appellant.

Having heard both sides, considering the facts and circumstances, it appears that the plea of the appellant that the present case is covered from the judgment of Hon'ble Supreme Court cannot be acceded to, as in this case, there is specific allegation against the appellant of abusing the informant by caste name and also of assaulting the informant and others. In such view of the matter, I am not inclined to grant the privilege of pre arrest bail to the appellant rather appellant has to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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