

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2157 of 2017

Arising Out of PS.Case No. -110 Year- 2013 Thana -VIDYAPATINAGAR District- SAMASTIPUR

=====

1. Arjun Singh S/o Late Sukan Singh
2. Mithilesh Singh @ Mithilesh Kumar Singh S/o Late Sukan Singh
3. Bachcha Singh S/o Arjun Singh All Resident of Village- Mau
Dhaneshpur (South), P.S.- Vidyapati Nagar, District- Samastipur.

.... Appellants

Versus

The State of Bihar

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Krishna Pd. Singh, Sr.Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 21.6.2017 passed in A.B.P. No. 1109 of 2017 by
Additional Sessions Judge-I-cum-Special Judge, SC/ST Act,
Samastipur, in Trial No. 94 of 2014, arising out of Vidyapatinar
P.S.Case No. 110 of 2013 registered for the offences under
Sections 302, 201/34 of the Indian Penal Code and 3(ii)(v) of
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act and for grant of pre-arrest bail to the appellants.

Appellants are named in the FIR. However, it appears
that they have not been sent up for trial and during course of trial



appellants were summoned under Section 319 Cr.P.C. for facing trial.

It has been submitted on behalf of the appellants that no case is made out against the appellants but in spite of that they have been summoned in this case.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(ii)(v) of the Act is made out against the appellants, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable, rather appellants surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

spal/-

U			
---	--	--	--

