

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1350 of 2017

Arising Out of PS.Case No. -180 Year- 2016 Thana -MARHAURA District- SARAN

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1. Raman Prasad, Son of Late Banarsi Prasad,
2. Chhathu Prasad,
3. Mukalesh Prasad @ Mukesh Prasad,
4. Ashok Prasad,
5. Birendra Prasad, All are Sons of Jawahar Prasad , Resident of Village-
Behuwara Patti, P.S.- Madhowrah , District- Saran at Chapra.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Smt. Rajani Kumari
Mr. Vijay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-08-2017 The appellants seek pre arrest bail in connection with

Marhorah P.S. Case No. 180 of 2016, registered for offences
punishable under Sections 147, 148, 149, 341, 307, 324, 379, 504,
354 of Indian Penal Code and section 3 (i)(x) of SC/ST Act.

Allegation against the appellants that they tried to outrage
the modesty of the informant and also tried to undress her and
further they have assaulted the informant and one of the appellants
abused her by taking caste name.

It has been submitted on behalf of the appellants that only
general and omnibus allegation of assault has been levelled against
the appellants and further there is allegation of abusing the



informant by caste name is only against co-accused of this case and not against the appellants and, therefore, provisions of above mentioned Section of SC/ST Act has no application in the present case.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellant, as such, this appeal is not maintainable.

Let appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellants that no specific overt act has been attributed to him, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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