

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.431 of 2017

Arising Out of PS.Case No. -14 Year- 2014 Thana -SC/ST District- SAHARSA

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1. Ramnath Yadav son of Narain Yadav
 2. Narayan Yadav son of Rameshwar Yadav
 3. Parmanand Yadav son of Lakhan Yadav

All the residents of village-Samani, PS-Mahishi, District-Saharsa.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 30-06-2017 The appellants seek pre-arrest bail in connection with Saharsa SC/ST P.S. Case No. 14 of 2014 registered for the offences punishable under sections, 341, 323, 504, 506/34 of the Indian Penal Code and sections 3 (i) (x) (xi) of the SC/ST Act.

Allegation against the appellants, as per the F.I.R., is that they have abused the informant by taking her caste name, assaulted and also humiliated her.

It has been submitted on behalf of the appellants that they have falsely been implicated in this case, as one of the family members of the appellants has lodged a complaint case against the informant and others, which is Annexure-2 to this appeal.

Heard learned Special Public Prosecutor.

Learned Special Public Prosecutor has submitted



that in this case, cognizance has already been taken under the SC/ST (POA) Act and there is a *prima facie* case under the abovementioned sections, is made out against the appellants, as such, this appeal is not maintainable.

Having heard both sides.

In view of the above facts and circumstances, this appeal is not maintainable. Let the appellants surrender before the Special Court and make prayer for regular bail which, will be considered by the Special Court on the basis of the submission as well as the materials available on record and he will try to dispose of the same if possible 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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