

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1432 of 2017

Arising Out of PS.Case No. -267 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Harendra Pathak son of Jivat Pathak
2. Kosal Pathak son of Ramchandra Pathak
3. Mantu Pathak son of Harendral Pathak All are residents of Village -
Kharatiya, Police Station - Kuchaykot, District - Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Milind Kumar Mishra

For the Respondent/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-07-2017 The appellants seek pre arrest bail in connection with Kuchaikote P.S. Case No. 267 of 2014, registered for offences punishable under Sections 341, 323, 324, 379, 504/34 of the Indian Penal Code and section 3(I)(X) of SC/ST (POA) Act.

Allegation against the appellants that they have abused the informant and also assaulted him.

It has been submitted on behalf of the appellants that appellants have falsely been implicated in this case due to land dispute between the parties and there is case and counter case between the parties and only to make the offence serious allegation under the SC/ST (POA) Act has been added.

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 appellants, 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 above submission of learned counsel for the appellants, 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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