

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1816 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -MAIRWA District- SIWAN

- =====
1. Vyas Muni Tiwari Son of late Panchanand Tiwari
 2. Birendra Tiwari Son of Vyas Muni Tiwari, Both are Resident of Village-Kharkharia, Police Station-Gughani, District-Siwan at Present Resident of Village-Shivpur Mathiya Main road, Police Station-Mairwa, District-Siwan.
 3. Umesh Mishra @ Umesh Kumar Mishra Son of Bhola Mishra Resident of Village-Patauwa Lakhraj, Police Station-Guthani, District-Siwan.
 4. Ram Bachan Yadav Son of Resident of Village-Shivpur Mathiya, Police Station-Mairwa, District-Siwan

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwari

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 02-08-2017 The appellants seek pre arrest bail in connection with Mairwa P.S. Case No. 84 of 2017, registered for offences punishable under Sections 447, 468, 467, 420, 427, 447 of Indian Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellants is of abusing the informant by caste name.

It has been submitted on behalf of the appellant that informant is his tenant and he is in habbit of lodging false cases as earlier also he has lodged two cases against the appellants on which they are on bail. Further daughter in law of one of the appellants has also lodged a case against the informant and only to



make the allegations graver the above section of SC/ST 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 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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