

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2416 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Bachcha Ali @ Md. Bachcha Ali son of Late Reyazuddin Mian
2. Haroon Mian son of Late Reyazuddin Mian
3. Farooque Mian son of Late Reyazuddin Mian
4. Md. Maksood son of Amarali Mian
5. Nuruddin Mian son of Amarali Mian
6. Balister Mian son of Amarali Mian
7. Md. Aras Mian son of Late Bhola Mian
8. Noor Alam Mian @ Noor Alam son of Late Mainuddin Mian All are residents of Village- Birti Bathurwariya, Police Station- Chautarwa (Bathuwariya), District- West Champaran.
9. Sanjeev Patel son of Late Bishwanath Patel, resident of Village- Sherwa Bathuwariya, Police Station Chautarwa (Bathuwariya), District- West Champaran.

.... Appellants/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Brij Kishor Mishra

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-09-2017 The appellants seek pre arrest bail in connection with Chautarwa (Bathwariya) P.S. Case No. 215 of 2016, registered for offences punishable under Sections 341, 323, 379, 504, 506 and 34 Indian Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellants is of forcibly dispossessing the informant from his land and also abused the informant and his family members by calling them by their caste name and further they also torn the clothes of family members of the informant.

It has been submitted on behalf of the appellants that



falsity of the prosecution will appear from the fact that F.I.R itself shows that the informant has left the house due to fear of appellant no. 1, as he is the member of dacoit gang. Further submission of learned counsel for the appellants is that they have been made accused in this case due to land dispute between the parties and no occurrence as alleged has taken place.

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 that there is land dispute between the parties and other materials available on record, 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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