

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2609 of 2017

Arising Out of PS.Case No. -24 Year- 2017 Thana -SC ST District- VAISHALI(HAJIPUR)

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1. Ram Swarath Singh Son of Late Din Dayal Singh
2. Santosh Kumar Son of Ram Swarath Singh
3. Birchandra Singh Son of Late Ram Raj Singh
4. Radheshyam Singh Son of Ram Swarath Singh
5. Nagina Singh Son of Late Janak Singh All are residents of Village -
Rasulpur Turki, Police Station - Bhagwanpur, District - Vaishali.

.... Appellants/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Nawnit Kumar Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-10-2017 The appellants seek pre arrest bail in connection with SC/ST Hajipur P.S. Case No. 24 of 2017, registered for offences punishable under Sections 341, 323, 504, 354, 379/34 of the Indian Penal Code and section 3(1)(s), 3(1)(W)(i) of SC/ST (POA) Act.

Allegation against the appellants and other accused persons is of abusing the informant by caste and also asked him to do '*begari*' for him and on protest, they also assaulted him.

It has been submitted on behalf of the appellants that out and out false and concocted allegations have been made and no such occurrence has ever taken place. Further there is delay in



lodging the F.I.R. as the occurrence is of 15.03.2017, whereas the F.I.R was lodged on 26.05.2017.

Learned Special P.P. as well as learned counsel for the informant opposed the prayer for bail on the ground of maintainability.

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 as well as the submission that there is delay in lodging of F.I.R, 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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