

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2234 of 2017

Arising Out of PS.Case No. -4 Year- 2015 Thana -BATHNAHA District- SITAMARHI

Uma Shankar Gain & Ors

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok

For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-08-2017 The appellants seek pre arrest bail in connection with Bathnaha P.S. Case No. 04 of 2015, registered for offences punishable under Sections 341, 323, 324, 379, 504, 506 and 34 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 and also of assault to the informant.

It has been submitted on behalf of the appellants that only general and omnibus allegation has been levelled and there is case and counter case between the parties as one of the appellants has filed the case against the informant and only due to which the present false case has been filed.

Heard learned Special P.P. also. He has opposed the prayer for bail by stating that in this case now cognizance has been taken against all the appellants under the above mentioned section



of SC/ST (POA) Act.

Having heard both sides, in view of the fact and circumstances and as the cognizance has been taken against the appellants under the above mentioned Section of SC/ST (POA) Act, 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 that there is case and counter case between the parties and also after considering 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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