

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1646 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -SC/ST District- SITAMARHI

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Anisha Khatoon & Anr

.... Appellants/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Dinesh Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 05-09-2017 The appellants seek pre arrest bail in connection with Sitamarhi SC/ST P.S. Case No. 11 of 2016, registered for offences punishable under Sections 147, 341, 323, 504/34 of the Indian Penal Code and section 3(i)(V)(X) of SC/ST Act.

Allegation against the appellants is that they forcibly try to dispossess the informant from his land and also abused him by caste name.

It has been submitted on behalf of the appellants that falsity of the case will appear from the fact that there is delay of one and half months in lodging of the F.I.R and further earlier also he has lodged a case against the appellants in the year 2011 as he is in habit of filing false cases and admittedly the land belongs to the appellants and only with a view to grab that land, the informant has filed the present case. It has also been submitted by



learned counsel for the appellants that the appellants are mother and father of the co-accused of this case, who has already been granted the privilege of regular bail.

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 as well as the submission that co-accused of this case has already been granted bail, 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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