

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2676 of 2017**

Arising Out of PS.Case No. -135 Year- 2016 Thana -SUGAULI District-  
EASTCHAMPARAN(MOTIHARI)

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1. Kushmakar Giri Son of Late Raj Ratan Giri  
2. Janki Sharan Giri Son of Late Raj Ratan Giri Both are residents of village  
- Dhankutwa, P.S. - Sikta (Balthar), Distt - West Champaran.

.... .... Appellants/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellants/s : Mr. Jitendra Kumar Giri

For the Respondent/s : Mr. Sri Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      13-10-2017              The appellants seek pre arrest bail in connection with Sugauli P.S. Case No. 135 of 2016, registered for offences punishable under Sections 147, 341, 504, 323, 387, 366 of the Indian Penal Code and section 3/ 4, 10 and 11 of SC/ST (POA) Act.

Allegation against the appellants is of trying to forcibly dispossess the informant from his land and on protest they assaulted the informant and others and abused them by caste name.

It has been submitted on behalf of the appellants that there is land dispute between the parties and appellants have falsely been implicated in this case and allegation of abusing the



informant by caste name is ornamental.

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 that there is case and counter case between the parties, 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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