

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3071 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -SC/ST District- BHOJPUR

- =====
1. Shiv Bihari Bari & Ors son of Late Muneshwar Bari
 2. Bhriugu Nath Bari @ Bhirgu Nath Bari son of Late Muneshwar Bari
 3. Amarnath Bari son of Shiv Bihari Bari
- All resident of village Bhakura, P.O. Lauhar Farna P.S. Ara Muffasil,
District Bhojpur Ara

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajiva Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-11-2017 The appellants seek pre arrest bail in connection with Bhojpur SC/ST (K) Case no.20 of 2017 registered for offences punishable under Sections 341 448, 323, 504, 504 & 354/34 Indian Penal Code and section 3(1)®(s)(w)(i)/3(2)(Va) of SC/ST Act.

Allegation against the appellants is of using abusive language by taking caste name and also entered inside the office of the informant damaging the papers.

Submission of the learned counsel for the appellants is that the appellants are *Mukhia*. As a matter of fact they had lodged a case against the informant with respect to encroachment of the government land by the informant i.e. Annexur-2 of this application and thereafter the present case has been lodged. It has



also been submitted that no case is made out under Section 3 of SC/ST (POA) Act.

Heard learned Special P.P. also, who has opposed the prayer for bail on the ground of maintainability.

Having heard both sides and in view of allegation, this appeal is not maintainable.

Let appellant surrender before the special court and make prayer for regular bail, which will be considered by the learned Special Judge on the basis of the fact that earlier a case had been lodged against the informant by the appellants, which is annexure 2 and thereafter the present case has been filed.

Considering the same and other materials, the learned Special Judge will dispose of the application for bail of the appellants, if possible 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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