

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1164 of 2017

Arising Out of PS.Case No. -35 Year- 2015 Thana -BATHNAHA District- SITAMARHI

Sunita Devi & Ors

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Dinesh Jha

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 29-06-2017 The appellants seek pre arrest bail in connection with Bathnaha P.S. Case No. 35 of 2015 registered for offences punishable under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Sections 3(1)(x) SC/ST Act.

Allegation against the appellants is that they purchased a land from the informant and for which appellants were not happy. The accused persons abused the informant by taking her caste name. All the accused persons entered into her house, abused her and took away Rs. 32,000./-.

It has been submitted on behalf of the appellants that they have falsely been implicated in this case and also appellants nos. 1 and 2 are lady member and there is no specific allegation against these appellants and so far taking away the money is concerned, there is general and omnibus allegation and only to make the allegations serious, above mentioned Sections of SC/ST has been added.

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



appellant, as such, this appeal is not maintainable.

Let the 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 no specific overt act has been attributed to him, 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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