

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1352 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Chunchun Jha, Son of Late Hari Kant Jha,
2. Rajnish Jha @ Rajnikant Jha, S/o Chunchun Jha, Resident of Village-
Telhara Kalan, Police Station- Kundwa Chainpur, District- East
Champaran.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anil Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellants seek pre-arrest bail in connection with

Chainpur P.S. Case No. 10/2017 registered for offences

punishable under sections 406, 323, 379, 504, 34 of the Indian

Penal Code and Section 3 (1) (a) (s) of the SC/ST (Prevention of

Atrocities) amendment Act.

Allegation against the appellants is that they had taken

the PDS license which was cancelled. Around two years ago, the

appellants took Rs. 1 lakh from the informant for the purpose of

building house and running shop. When the informant requested

the appellants to return the said money, the appellants became

fierce and violent and started abusing about the cast and tried to

beat the informant, and during this process the appellants also took



Rs. 2000/- and the evidence of the loan from his pocket and ripped it up.

It has been submitted on behalf of the appellants that there is general and omnibus allegation against the appellants and no specific overt act has been attributed to him. Further the informant has been in the habit of filing false cases against other persons also.

Heard learned counsel for the appellant and learned Special P.P. for the State.

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, this appeal is not maintainable.

Let appellants surrender before the Special Court and make a 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 over 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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