

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1380 of 2017**

Arising Out of PS.Case No. -143 Year- 2015 Thana -GHORASAHAN District-  
EASTCHAMPARAN(MOTIHARI)

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1. Md. Salauddin, son of Md. Ali Raja,  
2. Md. Jamalluddin, S/o Md. Ali Raja,  
3. Md. Raaju @ Raju @ Sahabuddin, S/o Sk. Noor Mohammad,  
4. Md. Nur Mohammad @ Nurmohammad, S/o Sk. Liyakat, All are resident  
of Village- Sheikh Toli, Lokhan, P.S.- Ghorasahan, District- East  
Champaran.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bal Govind Sharma

For the Respondent/s : Mr. Binay Krishna

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

4      01-08-2017              The appellants seek pre arrest bail in connection with  
  
Ghorasahan P.S. Case No. 143 of 2015, registered for offences  
  
punishable under Sections 341, 323, 427, 504/34 of the Indian  
  
Penal Code and section 3(i)(v)(x)(xi) of SC/ST (POA)Act.

Appellant against the appellants that they have abused the  
  
informant by caste name and secondly there is allegation against  
  
appellant no. 1 that he tried to undress the informant. Further there  
  
is allegation of assault to the informant.

It has been submitted by learned counsel for the  
  
appellants that only general and omnibus allegation has been made  
  
against all the accused persons and there is case and counter case



between the parties on the backdrop of land dispute and admittedly the land belongs to the appellants and only with a view to grab the land, the present false case has been filed.

Learned Special P.P. opposed the prayer for bail on the ground that there is allegation against all the appellants abusing the informant by caste name and other allegations are also there.

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 land dispute between the parties and also after considering other materials on record, 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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