

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1519 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -SAHKUND District- BHAGALPUR

- =====
1. Vijay Sharma, son of Late Baijnath Sharma, R/o Gayatri Colony
Takichak, P.S. Habibpur, District- Bhagalpur.
 2. Dilip Sharma, Son of Dhiro Sharma
 3. Sanjay Sharma, Son of Dhiro Sharma, Both are residents of village-
Diwakarkitta, P.S. Shahkund, District- Bhagalpur.

.... Appellants

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satish Chandra Mishra, Advocate
: Mr. Md. Nurul Hoda, Advocate
For the Respondent/s : Mr. Binay Krishna, SPL PP

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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

Shahkund P.S. Case No. 02/2017 registered for offences

punishable under sections 302, 201/34 of the I.P.C. and under

Sections 3(2)(V) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act.

Allegation against the appellants is that the son of the
informant, namely, Pramod Pasi was working in the family of the
appellants and illicit relation developed between him and the wife
of Vijay Sharma. Thereafter, appellant Vijay Sharma told to kill
the son of informant. After some days informant heard that dead
body of her son was lying in the outskirts of the village, then she
gave her statement that all the appellants have killed her son.



It has been submitted on behalf of the appellants that relatives of the appellants have dragged them in this case and has been falsely implicated on mere suspicion with malafide intention.

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, this appeal is not maintainable.

Let appellants surrendered before the Court of Special Judge and make prayer for regular which will be considered by the learned Special Judge considering the aforesaid aspect of the matter as well as material available on record, and dispose of the prayer for bail of the appellant without being prejudiced by the order of this Court, if possible on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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