

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1773 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -SC ST District- VAISHALI(HAJIPUR)

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1. Meera Devi, wife of Lalan Rai,
2. Lalan Rai, son of Jhimari Rai,
3. Kitu Kumar @ Mukesh Kumar, son of Lalan Rai, all are resident of
Village- Kiratpur Pachhiyari Tola, Police Station- Bhagwanpur, in the
district of Vaishali.

.... Appellants/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-08-2017 The appellants seek pre arrest bail in connection with

SC/ST P.S. Case No. 10 of 2017, registered for offences

punishable under Sections 147, 149, 341, 323, 447, 448, 326,

307,354,504,506 and 379 Indian Penal Code and section 3(1)(r),

3(i)(s), 3(2)(v) of SC/ST (POA) Act.

Allegation against the appellants and other co-accused

persons is of assault to the informant and also of abusing the

informant by caste name and further allegation that they tried to

undress the informant and also snatched away golden chain.

It has been submitted on behalf of the appellants that

there is case and counter case between the parties in the backdrop

of land dispute as the appellant has purchased the land from one



Bhularia Devi, sister in law of the informant and only to grab the land the present false case has been filed. Further a complaint case has been filed by the said Bhularia Devi, which is pending.

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

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 case and counter case between the parties and land dispute from before, 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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