

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.266 of 2017

Arising Out of PS.Case No. -141 Year- 2016 Thana -SAMASTIPUR District- SAMASTIPUR

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1. Ganesh Sah, S/o Late Ram Nandan Sah,
 2. Nathiya Devi, W/o Late Ram Nandan Sah,
 3. Babli Devi, W/o Ganesh Sah, All resident of Mohalla- Barah Patther Ward No.-15, P.S.- Samastipur (Town), Distt Samastipur.

.... Appellants/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Mukesh Kumar No-1

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-08-2017 The appellants seeks pre arrest bail in connection with Samastipur (T) P.S. Case No. 141 of 2016, registered for offences punishable under Sections 323, 341, 354(B),504/34 of Indian Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellants is of abusing the informant by caste name and of assaulting him and against one of the appellants, there is allegation of outraging the modesty of the informant.

It has been submitted on behalf of the appellants that out and out false and frivolous allegation has been made against the appellants and no occurrence as alleged has taken place and this case has been filed only to harass the appellants and in this case



there is no applicability of Section 354 (B) Indian Penal Code.

Learned Special P.P. 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 and also appellant nos. 2 and 3 are ladies, 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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