

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2607 of 2017

Arising Out of PS.Case No. -235 Year- 2016 Thana -KISHUNPUR District- SUPAUL

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1. Suren Yadav, S/o Laxmi Yadav, R/o Village- Sukhasan, Police Station- Kishanpur, District- Supaul.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Verma

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-10-2017 The appellant seeks pre arrest bail in connection with Kishanpur P.S. Case No. 235 of 2016, registered for offences punishable under Sections 341, 323, 379, 325, 324, 504, 506 and 34 of the Indian Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellant is of forcibly dispossessing the informant from his land and allegation against other accused person is of assault to the informant.

It has been submitted on behalf of the appellant that there is general and omnibus allegation against the appellant in the background of land dispute and no specific overt act has been attributed to him. Further no allegation of abusing the informant has been levelled against the appellant.

Learned Special P.P. opposed the prayer for bail and



submitted that a *prima facie* case is made out against the appellant under Section 3(1)(F) of SC/ST (POA) Act.

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 appellant, as such, this appeal is not maintainable.

Let appellant 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 appellant that no specific overt act has been attributed to him and there is no allegation of abusing the informant by his caste name and further there is land dispute between the parties, 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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