

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2037 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -SC/ST District- ARRARIA

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1. Suresh Bahardar
2. Shiv Narain Bahardar
3. Devilal Bahardar All three sons of Late Magru Bahardar
4. Kunal Bahardar @ Kunal Kr. Bahardar
5. Bhola Bahardar Both sons of Suresh Bahardar
6. Anand Bahardar son of Shiv Narain Bahardar
7. Tunma Bahardar son of Devilal Bahardar All residents of village -
Rampur Uttar, Ward No. 8, P.S. - Forbesganj, District - Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-07-2017 The appellants seek pre arrest bail in connection with

Araria SC/ST P.S. Case No. 45 of 2016, registered for offences

punishable under Sections 341, 342, 323, 324, 307, 354(B), 379,

504 and 34 Indian Penal Code and section 3(1) (r) of SC/ST Act.

Allegation against the appellants that they tried to outrage

the modesty of the informant and also abused her by taking her

caste name

It has been submitted on behalf of the appellants that

there is case and counter case between the parties and no specific

allegation has been attributed against any of the appellants and

only to make out the offence serious, above Sections of SC/ST has



been added.

Heard learned Special P.P. also.

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 submissions of learned counsel for the appellant that no specific overt act has been attributed to them and there is case and counter case, 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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