

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1733 of 2017**

Arising Out of PS.Case No. -20 Year- 2016 Thana -MAHILA P.S District-  
WESTCHAMPARAN(BETTIAH)

=====

1. Shamshul Ajam @ Bhappu, son of Late Dost Mohammad Mian, resident  
of Mohalla- Ansari Tola, P.S.- Bagaha, District- West Champaran.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Smt Usha Kumari No-1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      01-08-2017              The appellant seeks pre arrest bail in connection with  
  
Bagaha Mahila P.S. Case No. 20 of 2016, registered for offences  
  
punishable under Sections 498A of the Indian Penal Code and  
  
section 3(i)(x)(xi) of SC/ST Act.

Appellant is husband of the informant and allegation  
against him is of torture and misbehave.

It has been submitted by learned counsel for the appellant  
that now the informant does not belong to SC/ST category as she  
herself has stated in divorce petition filed by her that she has  
embraced the Muslim religion and, therefore, the provisions of  
SC/ST Act has no application in this case. Further she herself does  
not willing to live with the petitioner, for which the present false  
case has been filed.



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 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, 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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