

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2472 of 2017

Arising Out of PS.Case No. -190 Year- 2015 Thana -MOKAMAH District- PATNA

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1. Sumit Kumar @ Sumit Singh, Son of Sunil Singh,
2. Rajeshwar Prasad Rai @ Ram Master, Son of Late Dal Singar Rai, Both
are resident of Village Dhaurani Toal, Mokama, Police Station- Mokama in
the district of Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Smt. Usha Kumari No-1, (S.P.P)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-09-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The appellants seek pre-arrest bail in connection with
Mokama P.S. Case No. 190 of 2015 dated 27.03.2017, registered
under Sections 147, 149, 341, 323, 504, 436 of the Indian Penal
Code and 3-1-(X) of the SC/ST Act.

Allegation against the appellants is of trying to
dispossess the informant from her land and also obstructing in
construction of her house by assaulting and taking her caste
name.

It has been submitted on behalf of the learned counsel
for the appellants is that the land belongs to the appellants and in



this regard a case is also pending in the sub-divisional Civil Court and in spite of that the present case has been lodged against him and further submission is that in charge-sheet, appellant has not be sent up for trial but cognizance has been taken by the learned court below.

Special P.P. has opposed the prayer for bail on the ground of maintainability.

Having heard both the parties and in view of the fact that cognizance has already been taken under Section 3 of SC/ST Act against the appellants, as such, this appeal is not maintainable. Let the appellants surrender before the special court within a period of six weeks 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 materials available on record, shall pass an appropriate order, preferably 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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