

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1183 of 2017

Arising Out of PS.Case No. -131 Year- 2016 Thana -UJIYARPUR District- SAMASTIPUR

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1. Suresh Sahni Son of Bindeshwar Sahni
 2. Sanju Devi Wife of Suresh Sahni Both residents of Village - Saidpur Jahid, P.S. - Ujiarpur, District - Samastipur.
 3. Raj Kumar Mahto Son of Jarmajay Mahto Resident of Village - Bhagwanpur Kamla, P.S. - Ujiarpur, District - Samastipur.
 4. Munmum Mahto Son of Ram Prit Mahto Resident of Village Pachpaika, P.S. - Ujiarpur, District - Samastipur.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar Sharma

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 18-05-2017 Heard the learned counsel for the appellants.

The appellants have filed the instant appeal in terms of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against an order dated 14.2.2017 passed by the learned 1st Additional Sessions Judge-1st, SC/ST((PoA) Act., Samastipur, in Ujiarpur P.S. Case No.131/16 registered for the offence under Sections 147, 148, 149, 341, 325, 332, 333, 307, 353, 379, 411, 504, of the I.P.C. and Section 3(1) (x) of SC/ST (POA) Act, whereby and whereunder prayer for anticipatory bail made on behalf of the appellants has been rejected.

Allegation, as per the F.I.R., is that on receipt of



secret information that some persons were illegally cutting the soil from the government land of Devkhal Chaar, informant along with police personnel reached there and found 40/50 persons cutting the soil illegally and on protest, all the accused persons including the appellants having variously armed with lathi, danda and khanti hurled abuses, surrounded them and after abusing his caste name they attempted to commit murder. Thereafter one tractor and trailer were seized and one Jeet Sahni was arrested.

It is submitted on behalf of the appellants that no any overt act has been attributed against the appellants rather both the family members have been made accused out of whom appellant no.2 is lady.

Heard learned Special P.P. also.

In view of the fact, as stated above, this appeal is not maintainable, the appellants may surrender in the court below and pray for regular bail which shall be considered by the court below on its own merit, if possible, on the same day, without being prejudiced by this order.

Accordingly, this appeal is disposed of with above observation.

(Vinod Kumar Sinha, J)

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