

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1863 of 2017

Arising Out of PS.Case No. -7 Year- 2013 Thana -SC ST District- VAISHALI(HAJIPUR)

- =====
1. Naulakhi Singh Son of Baliram Singh
 2. Hasan Mian S/o Oli Mian
 3. Shamsuddin Mian Son of Shamsher Mian All residents of Village - Jatkauli Ghat, P.S. Vaishali, District Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-08-2017 The appellants seek pre arrest bail in connection with Hajipur SC/ST P.S. Case No. 07 of 2013, registered for offences punishable under Sections 323, 341/34 of the Indian Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellants is of abusing the informant by caste name and also of assaulting him.

It has been submitted on behalf of the appellant that earlier in this case final form was submitted by the police, however, the learned Magistrate took cognizance against the appellant, however under the bailable sections and later on after revision cognizance has been taken against the various provisions of SC/ST (POA) Act. Further there is land dispute between the



parties and a title suit is pending and admittedly the land belongs to the appellants and only to grab the land, the present false and concocted 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 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 submission of learned counsel for the appellants and other materials available on record, 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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