

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1745 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -BAJPATTI District- SITAMARHI

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1. Nawal Kishore Sah, Son of Mahadev Sah.
 2. Mode Sah, Son of Ram Sogarath Sah.
 3. Sogarath Sah @ Ram Sogarath Sah @ Ram Swarth Sah. Son of Late Ramashray Sah. All are resident of Village- Basantpur, P.S.- Bajpatti, District- Sitamarhi.

.... Appellants

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Hans Lal Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-07-2017 The appellants seek pre arrest bail in connection with Bajpatti P.S. Case No. 39 of 2017 registered for offences punishable under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and under Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is that informant Gita Devi was going to her field and in the way all the appellants stopped her and tried to outrage her modesty. They also assaulted her husband. It has been further alleged that appellant Sogarath Sah gave farsa blow to the informant due to which she sustained cut injury on her head. The appellant Mohan Kumar took out Rs. 5000/- from the possession of her husband and Mode Sah took



away her Mangalsutra.

It has been submitted on behalf of the appellants that no case is made out under Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act and further submission is that no injury was found on the person of the informant.

Heard both sides. In view of the fact that the appellants assaulted the informant and her husband and also tried to outrage the modesty of the informant, *prima facie* a case under the above mentioned section of SC/ST Act is made out against the appellants. Accordingly, 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 that no specific over act has been attributed to them and there is case and counter case between the parties, shall consider their prayer for bail 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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