

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2028 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -KARAKAT District- SASARAM (ROHTAS)

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1. Bhikhari Sah,
 2. Suresh Sah Both Sons of Late Shyamjeet Sah,
 3. Ravindra Sah @ Ravindra Kumar Sah,
 4. Bechan Sah @ Bachchan Sah Both Petitioner 3 &4 are Sons of Bhikhari Sah, All Resident of Gamhariya , Post Office Bad, P.S.- Karakat (now Gorari), District- Rohtas at Sasaram.

.... Appellants/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Subodh Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-08-2017 At the very outset, learned counsel for the appellants has submitted that since the appellant no. 1, during the pendency of appeal has already been arrested and, therefore, the appeal with regard to appellant no. 1 has become infructuous and he may be permitted to withdraw the appeal with regard to appellant no. 1

Permission is accorded.

Accordingly, the appeal with regard to appellant no. 1, is dismissed as become infructuous.

So far other appellants are concerned, they seek pre arrest bail in connection with Karakat P.S. Case No. 4 of 2017, registered for offences punishable under Sections 341, 323, 504 and 506/34 of Indian Penal Code and section 3(i)(x) of SC/ST (POA) Act.



Allegation against the appellants is of abusing the informant by caste name.

It has been submitted on behalf of the appellants that there is case and counter case between the parties in the background of land dispute. It has also been submitted that the alleged land belong to the appellants and only with a view to grab that land, 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 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 that there is case and counter case and also land dispute, 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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