

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2043 of 2017

Arising Out of PS.Case No. -274 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Balmiki Prasad son of Kapildeo Prasad
2. Dildar Miyan son of Subham Miyan
3. Islam Miyan son of Rahman Miyan
4. Hasnain Miyan son of Islam Miyan
5. Kudrat Miyan son of Hakim Miyan
6. Nurain Miyan son of Islam Miyan All are residents of village - Mathiya Hardo, P.S. - Kuchaikote, District - Gopalganj.

.... Appellants/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Brij Bihari Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-09-2017 The appellants seek pre arrest bail in connection with Kuchaikote P.S. Case No. 274 of 2016, registered for offences punishable under Sections 341, 323, 504 and 34n of the Indian Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellants is of dispossessing the informant from the *Gumti* on the land and also abused the informant by caste name.

It has been submitted on behalf of the appellants that out and out false and concocted allegation have been levelled against the appellants and further the land on which the informant was running his *Gumti* belongs to the appellants, which will appear



from annexure -2 and only to put pressure on the appellants this false case has been levelled against them.

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, 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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