

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2526 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -SC/ST District- SITAMARHI

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1. Ram Jageshwar Mahto Son of Panchan Mahto,
2. Ram Nandan Mahto Son of Late Rudal Mahto,
3. Monam Kumari D/o Ram Jageshwar Mahto, All Resident of Village-
Mirzadpur, P.S.-Sahiyara, District-Sitamarhi.

.... Appellants/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Virendra Kumar

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

For Informant : Mr. Ashok Kumar Sinha.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-09-2017 The appellants seek pre arrest bail in connection with

Sitamarhi SC/ST P.S. Case No. 40 of 2017, registered for offences

punishable under Sections 341, 323, 448, 504, 506 and 34 of

Indian Penal Code and section 3(1)(r)(w)(s) of SC/ST Act.

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

It has been submitted on behalf of the appellants that
there is case and counter case between the parties and no such
occurrence as alleged has ever taken place.

Heard learned Special P.P. also as well as learned
counsel for the informant, they have opposed the prayer for bail on
the ground of maintainability.



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 between the parties and one of the appellants is unmarried lady, 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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