

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2209 of 2017

Arising Out of PS.Case No. -30 Year- 2015 Thana -SC/ST District- SITAMARHI

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1. Mod Narayan Jha, Son of Bindeshwar Jha.
2. Brij Kishore Jha, Son of Late Srichandra Jha.
3. Sunder Jha @ Shobha Kant Jha, Son of Late Hari Kant Jha.
4. Lalbodh Jha, Son of Late Hari Kant Jha. All Resident of Village- Hanuman Nagar, P.S. Manpur, District Sitamarhi.

.... Appellants/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Sameer Ranjan

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-09-2017 The appellants seeks pre arrest bail in connection with Sitamarhi SC/ST P.S. Case No. 30 of 2015, registered for offences punishable under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code and section 3/4 of Prevention of Witch(**Daain**) Practice Act, 1999 and Section 3(i)(x)(xi) of SC/ST Act.

Allegation against the appellants is of administering the night soil (*maila*) to the informant and also of assault.

It has been submitted on behalf of the appellants that one of the appellants was the then *Mukhiya* and the husband of the informant has made some complaint about the informant and when the appellants had gone to enquire about the matter, they have



falsely been implicated in this case. It has also been submitted that earlier the appellants were on police bail.

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 court below and make prayer for regular bail and if any such application is filed, the court below after considering the above submissions of learned counsel for the appellants as well as the fact that appellants were earlier on police bail, 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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