

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1303 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -HASPURA District- AURANGABAD

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1. Ekabal Ansari Son of Late Sattar Ansari,
2. Chhotu Ansari, Son of Ekbal Ansari, Both are Resident of Village-
Amjhor Sharif, P.S. Haspura, District- Aurangabad (Bihar).

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sharad Shekar, Advocate
: Mr. Shiv Nandan Bharti, Advocate
For the Respondent/s : Mr. Binay Krishna, SPL P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-07-2017 The appellants seek pre arrest bail in connection with

A.B.P. No. 73/17 in Haspura P.S. Case No. 108/2016 registered

for offences punishable under sections 341, 323, 379, 354 and

504/34 of the Indian Penal Code and Section 3 (i) (xi) of the

SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is that the informant

had gone to work under Manrega when she came to take lunch

where she was Ekbal Ansari and Chhotu Ansari were shuttering

from shed over the land of the informant. When she opposed the

appellants started abusing her family and dashed her on the ground

when her daughter-in-law came to save her she was also assaulted

by the appellants and torn her clothes and snatched earring and



nose pin by the appellants.

It has been submitted on behalf of the appellants that there is general and omnibus allegation against the appellants and no specific overt act has been attributed to them. Further the informant has been in habit of filing false cases against other persons also.

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 appellant, as such, this appeal is not maintainable.

Let appellant surrender before the Special Court and make prayer for regular and if any such application is filed, the Special Court after considering the submission of learned counsel for the appellant that the allegation is general and omnibus and also considering the fact that informant is in habit of filing such cases, 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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