

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1663 of 2017

Arising Out of PS.Case No. -65 Year- 2016 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Mukhlal Sah, son of Ramayan Sah, resident of Village- Siswariya, P.S.-
Chanpatiya, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-07-2017 The appellant seeks pre arrest bail in connection with

Chanpatiya P.S. Case No. 65 of 2016, registered for the offences

punishable under Sections 342, 323, 324, 307, 302 and 120(B) of

the Indian Penal Code and Section 3(i) (x) (2) (V) of the SC/ST

(POA) Act.

The appellant has been made accused in a case under

Section 302 as well as under Section 3(i) (x) (2) (V) of the

SC/ST (POA) Act.

It has been submitted on behalf of the appellant that

there is general and omnibus allegation of assault and injury are

simple in nature and further it has been submitted that as a matter

of fact there was free fight between the son of both the parties

and they have falsely been implicated in this case.



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 no specific overt act has been attributed to him, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of his Court.

With the above observation, this appeal is disposed of accordingly.

(Vinod Kumar Sinha, J)

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