

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2121 of 2017

Arising Out of PS.Case No. -6 Year- 2016 Thana -JAYRAMPUR District- SEKHPURA

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1. Adalat Mistry @ Adalat Sharma son of Kishori Mistry.
2. Jairam Mistry @ Jairam Sharma son of Kishori Mistry.
3. Mital Mistry @ Mithlesh Sharma son of Krishna Mistry. All are resident of Village and Police Station- Jairampur, District- Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nilendu Kumar Choudhary

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-07-2017 The appellants seek pre arrest bail in connection with

Jairampur P.S. Case No. 06 of 2016, registered for offences

punishable under Sections 341, 323, 325, 504 and 34 of Indian

Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellants is of assault and abuse

to the informant.

It has been submitted on behalf of the appellants that

from perusal of the F.I.R, itself it will appear that no case under

the above mentioned section of SC/ST Act is made out against the

appellants and other allegations are only general and omnibus in

nature.

Learned counsel for the State opposed the prayer for bail



and submitted that in this cognizance has been taken by the Magistrate and after cognizance this appeal is not maintainable.

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 no case under the SC/ST Act is made out against the appellants and other allegations are general and omnibus in nature, 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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