

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1541 of 2017

Arising Out of PS.Case No. -84 Year- 2015 Thana -SC/ST District-
EASTCHAMPARAN(MOTIHARI)

=====

Thagan Sahani Son of Late Gena Sahani, Resident of Village- Isamaila,
P.S.- Rajepur, District- East Champaran at Motihari.

.... Appellant

Versus

The State of Bihar

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 24.9.2016 passed in A.B.P. No. 1970 of 2016 by
Additional Sessions Judge-I, East Champaran, Motihari, arising
out of SC/ST Motihari (Rajepur) P.S.Case No. 84 of 2015
registered for the offences under Sections 341, 323, 427, 379,
504/34 of the Indian Penal Code and 3(i)(x) of Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act and for grant
of pre-arrest bail to the appellant.

Allegation against the appellant is that he along with
other accused persons went to the house of the informant and
uprooted cauliflower crops and abused the informant by taking his



caste name.

It has been submitted on behalf of the appellant that the land in dispute belongs to the appellant, which has already been decided by a court of Sub-Divisional Officer, Chakiya and being aggrieved by the same the false and concocted case has been filed against the appellant.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(x) of the Act is made out against the appellant, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable. Let appellant surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

spal/-

U			
---	--	--	--

