

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2492 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -SC/ST District- GOPALGANJ

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Nand Kishore Sah & Ors

.... Appellants/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Dhramveer

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-10-2017 The appellants seek pre arrest bail in connection with Gopalganj SC/ST P.S. Case No. 11 of 2017, registered for offences punishable under Sections 341, 323, 504, 506 of the Indian Penal Code and section 3(i)(r) of SC/ST (POA) Act.

Allegation against the appellants of abusing the informant by caste name and also of assaulting him.

It has been submitted on behalf of the appellants that only general and omnibus allegation has been levelled against the appellants. It has also been submitted that there is case and counter case between the parties and the case lodged by the appellant side is prior to that lodged by the informant that too after lapse of seven days, making false allegations.

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 special court and make prayer for regular bail and if any such application is filed, the special court after considering the above submission of learned counsel for the appellants that there is case and counter case, 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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