

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.703 of 2017

Arising Out of PS.Case No. -134 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Hasan Mian @ Hasan Daphali Son of Subahan Mian,
2. Juet Mian Son of Saphi Mian,
3. Jumarati Mian.. Son of Late Noor Mohammd mian,
4. Aphazal Hasami Son of Jumarati Daphali,
5. Ibrahim Hasami @ Ibrahim Ali Son of Late Bechan Mian, null
6. Mahbub Mian@ Mahbub Hasami Son of Late Bechan Mian, null
7. Riyaju Mian @ Riyajuddin Son of Kurban Dafali, null
8. Alihasan Mian @ Alihasan Ali Son of Mukhtar Dafali, null
9. Akabar Mian @Akabar Hasami Son of Jumarati Dafali,
10. Saroj Mian @Sarajuddin Son of Kurban Dafali,
11. Anawar Mian @ Anawar Ali Son of Jumarati Mian,
12. Mukhtar Mian@ Mukhtar Son of Late Rajak Mian All are Resident of Village- Saraiya, P.S.- Durgawati, District- Kaimur (Bhabua)

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Arabind Nath Pandey
For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-06-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 17.1.2017 passed in A.B.P. No. 13 of 2017 by
Additional Sessions Judge-I, Kaimur at Bhabhua, arising out of
Durgawati P.S.Case No. 134 of 2016 instituted for the offences
under Sections 147, 149, 341, 323, 504, 506 of the Indian Penal
Code and 3(ii)(x) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and for grant of anticipatory bail to
the appellants.



Allegation against the appellants as per FIR is that in front of statue of Bhim Rao Ambedkar near Khajura Market they used to cut cock and throw on the statue and on protest they have assaulted the informant and others.

It has been submitted on behalf of the appellants that they have falsely been implicated in this case and there is general allegation against them.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(ii)(x) of the Act is made out against the appellants, 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, rather appellants 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)

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