

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1239 of 2017

Arising Out of PS.Case No. -8 Year- 2016 Thana -PAUTHU District- AURANGABAD

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1. Md. Ilyas Mian, son of Md. Hasamuddin @ Hasami Mian, resident of
Village- Banahi, P.S.- Pauthu, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellants seek pre arrest bail in connection with

Pauthu P.S.Case No.8 of 2016, registered for offences punishable

under Sections 341, 354, 307, 504 & 506/34 of the Indian Penal

Code and section 3(i)(x)/3(1) (xi)/3(2)(v) of SC/ST (Prevention of

Atrocities) Act.

It is submitted on behalf of the appellant that no case is
made out against the appellant under the provisions of S.C. & S.T.
(Prevention of Atrocities) Act as the allegation of abusing the
informant is general and omnibus and no specific allegation has
been attributed and there is also no allegation of assault against
this appellant.

It is also submitted that on behalf of the appellant that
one of the co-accused has been granted bail by this Court, vide



order dated 20.10.2016 passed in Cr. Appeal (S.J.) No.679 of 2016.

Heard learned Special P.P. also, who has opposed for prayer for pre-arrest bail on the ground that there is alligation against the appellant of abusing the informant by caste name.

Having heard both sides and in view of allegation, this appeal is not maintainable.

Let appellant surrender before the court of Special Judge and make prayer for regular bail and on the basis of submission as advanced above as well as other submissions, the learned Special Judge will consider the same and will also consider that one of the co-accused has already been granted bail by this Court and after considering the above fact as well as other materials available on record, he will dispose of the prayer for bail of the appellant, if possible on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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