

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1389 of 2017

Arising Out of PS.Case No. -25 Year- 2016 Thana -SC/ST District- BANKA

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Sanjay Choudhary, S/o Mothri Choudhary, resident of Village- Mohadi Nagar, Gopalpur P.S. Amarpur, District- Banka.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : M/s Diwakar Pd. Karn and
Chandra Shekhar Anand, Advs.

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-07-2017 This appeal is for grant of anticipatory bail in connection with Banka P.S. Case No. 25 of 2016, G.R. No. 2364 of 2016 registered for the offence(s) under section(s) 147, 148, 447, 341, 323, 354, 504, 506 of the Indian Penal Code and section(s) 3 (i) (iv) (v) (x) SC/ST Act.

Allegation against the appellant is that he along with other accused persons have abused the informant by taking her caste name and also assaulted her.

Submission of the learned counsel for the appellant is that there is a land dispute between the parties, which will appear from the report of the Circle Officer, which is Annexure-2 to this application, and it has also been submitted that even according to the FIR, there is no specific allegation against the appellant of abusing the informant by taking her caste name. There is a general and omnibus allegation against the appellant and further the appellant has falsely been



implicated in this case, as no such occurrence has taken place.

Heard learned Special Public Prosecutor also.

Learned Special Public Prosecutor has opposed the prayer for bail of the appellant on the ground that a *prima facie* case under the abovementioned sections is made out against the appellant, as such, this appeal is not maintainable.

Having heard both sides and in view of the facts and circumstances, as stated above, this appeal is not maintainable.

Let the appellant surrender before the court below and make prayer for regular bail on the submission as stated above and the learned Special Court will consider the same and also consider that the appellant was on Police bail and after considering the aforesaid aspect of the matter, will dispose of the bail application of the appellant without being prejudiced by the order of this Court, if possible on the same day.

With the above observation/direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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