

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2833 of 2017

Arising Out of PS.Case No. -353 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Samsad Sai, son of Ajit Sai
 2. Nasir Ansari @ Nasir Alam, son of Amir Ansari
 3. Laddu Khan, son of Kasim Khan
 4. Nek Mohammad Mistri, son of Ali Mohammad Mansoori
 5. Khurshed Mansoori @ Khursad Mansuri, son of Ali Mohammad Mansoori
 6. Sukhari Ansari @ Sk. Sukhari, son of Jhalha Ansari @ Sk. Idris
 7. Wahid Ansari @ Sk. Wahid, son of Jitu Ansari @ Sk. Jiddi
 8. Wajul Ansari @ Sk. Wajul, son of Feeda Ansari @ Sk. Feeda, all residents of village Phoolwariya, P.S. Dhaka, District East Champaran
- Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-11-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Dhaka P.S.Case No. 353 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 354A, 427, 379, 307, 436 of the Indian Penal Code and 3(i)(r), 3(i)(x) and 3(i)(z) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 28.8.2017 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, East Champaran, Motihari.



Allegation against the appellants Nos. 1, 2 and 3 is of abusing the informant by taking caste name and allegation against rest of appellants is general and omnibus and there is allegation of setting the house on fire.

Submission of learned counsel for the appellants is that no specific allegation is attributed against appellants except appellants Nos. 1 to 3 and there is land dispute between the parties.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail on the ground of maintainability.

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

Let appellants surrender and pray for regular bail, which will be considered on its own merit, without being prejudiced by this order, preferably on the same day, if possible.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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