

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3111 of 2017

Arising Out of PS.Case No. -306 Year- 2017 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sheikh Gulhassan, son of Sadruddin, resident of village Jogiya, P.S. Ramnagar, District West Champaran
 2. Sheikh Nizamuddin @ Nizam, son of Late Ishaque Ahmad @ Sheikh Nathuni, resident of village Katgharwa, P.S. Shikarpur, District West Champaran

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Ramnagar P.S. Case No. 306 of 2017, registered for the offences punishable under Sections 406, 420, 504/34 of the Indian Penal Code and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 11.10.2017 passed by Additional Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah.

Allegation against the appellants is that they have got the amount of informant delivered to some other accused person for allotting agency of Indane Gas and when demanded the amount they have abused him by taking his caste name.



Submission of learned counsel for the appellants is that FIR itself shows that no amount was delivered to the appellants, rather to some other accused person and due to create pressure this false case has been filed against them.

Heard learned Special P.P. also, who has opposed the prayer for pre-arrest bail of the appellants on the ground of maintainability as it is a clear case of abusing by taking caste name.

Having heard both sides and in view of the facts and circumstances, this appeal is not maintainable, rather appellants to surrender within a period of six weeks and pray for regular bail, which shall be considered on the basis of submission made above and the materials available on record and disposed of preferably on the same day, without being prejudiced by this order.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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