

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1383 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -SARE District- NALANDA (BIHARSHARIFF)

Md. Sanjar & Ors

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Salahuddin Khan

For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 06-11-2017 Heard the parties.

The appellants seek pre arrest bail in Sare P.S.Case No.72 of 2016 registered for the offences under Sections 147, 148, 149, 341, 323, 307, 447, 504, 506 of the I.P.C., Sections 3(1) (x) of the SC/ST (POA) Act.

Allegation against the appellants along with other co-accused persons is of abusing the informant by taking his caste name.

Submission of the learned counsel for the appellant is that the land in question is in possession of the appellants and the trial court has decided the Title Suit No.145/85 in favour of the appellants and since then they have been paying rent. The informant is aggressor. It has also been submitted that with a view to put pressure upon the appellants the present case has been filed.



Heard learned A.P.P. also who opposed the prayer for anticipatory bail on the ground of prima facie allegation of abuse.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is not maintainable. However, the appellants are directed to surrender before the court below and pray for regular bail and the learned court below shall dispose of the same on the basis of material available on the record, if possible, on the same day on its own merit without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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