

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.126 of 2017

Arising Out of PS.Case No. -57 Year- 2015 Thana -SC/ST District- ARRARIA

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1. Mahboob Alam, Son of Nabi Hasan, Resident of Village- Masurya, P.S.
Jokihat, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Syed Ehteshamuddin

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 29-06-2017 The appellant seeks pre arrest bail in connection with

Araria SC/ST P.S. Case No. 57 of 2015, registered for offences

punishable under Sections 341, 323, 384 and 504/34 Indian Penal

Code and section 3(1)(r) of SC/ST Act.

Allegation against the appellant is of abusing the
informant by taking his caste name and also humiliating him.

It has been submitted on behalf of the appellant that F.I.R
itself shows that the informant has earlier moved before this Court
for payment of salary in which a direction was issued to go to the
Appellate Tribunal. It has also been submitted that official letters
of Block Education Officer, Jokihat addressed to Block
Development Officer, which is annexure-3 series, clearly shows
that informant is not a teacher in the primary school Hat tola,



Masuriya, he has not even joined the school as such initiation of prosecution case itself is false and concocted and the allegation under the above mentioned Sections of SC/ST has been levelled against the appellant only to put pressure on him.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellant, as such, this appeal is not maintainable.

Let appellant surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the above submission of learned counsel for the appellant, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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