

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1407 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -KATRAHA District- VAISHALI(HAJIPUR)

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1. Kadin Mian @ Abul Kadir son of late Tazmul Mian
2. Jamila Khatoon wife of Late Tazmul Mian
3. Sahidah @ Aahidan Khatoon wife of Muslim Mian
4. Talim Mian @ Abu Talib son of Ibrahim Mian
5. Doli Mia @ Gulam Haider son of Late Ibrahim Mian All are residents of Village - Ghataro, Police Station - Kartahan, District - Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar, Adv.

For the Respondent/s : Smt Usha Kumari No-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-07-2017 This appeal is for grant of pre-arrest bail in connection with Kartahan P.S. Case No. 76 of 2016 registered for the offence under section(s) 341, 323, 354, 506/34 of the Indian Penal Code and section(s) 3 (1) (V) (x) (xi) of the SC/ST Act.

Submission of the learned counsel for the appellants is that there is a land dispute between the parties and for that, an informatory petition has also been filed by appellant No.1, however a false and concocted case has been lodged making allegation of abusing the informant by taking her caste name. It has further been submitted that the Sarpanch of Gram Kachhary, Gaharo has given a Certificate, which is Annexure-3 to this



appeal, that no such occurrence took place.

Heard learned Public Prosecutor also. Learned Public Prosecutor has opposed the prayer for bail of the appellants on the ground that there is an allegation of abusing the informant by taking her caste name so a prima facie case under the abovementioned sections is made out against the appellants, 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 appellants surrender before the court below and make prayer for regular bail, which will be considered by the Special Court and the Special Court on the basis of submission as stated above and also considering the fact that one of the appellants is lady, will pass an appropriate order if possible on the same day, without being prejudiced by the order of this Court.

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

(Vinod Kumar Sinha, J)

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