

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2421 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -SC/ST BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Md. Mustaque son of Late Md. Manir Ansari, resident of Marwari Tola,
Bagaha Bazar, P.S.- Bagaha, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kr Singh No. 1

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-09-2017

Heard the parties.

The appellant seeks pre arrest bail in SC/ST Bagaha P.S. Case No.1 of 2017 registered for the offence under Sections 341, 323, 504, 506/34 of the I.P.C., Section 3(i) (x) of the S.C and S.T.(prohibition of atrocities)Act.

Allegation against the appellant is of abusing the informant by calling his cast name.

Submission of the learned counsel for the appellant is that one of the co-accused Nasim Akhtar married with Mamta Kumari and Mamta Kumari had filed



filed a case earlier to the present case.

Heard learned A.P.P. also who opposed the prayer on the ground of maintainability of the present case.

Having heard both sides and in view of the facts and circumstances, as stated above, in view of the nature of allegation, this appeal is not maintainable. However, if the appellant surrenders before the court below and pray for regular bail, which will be considered by the court below taking into consideration of only allegation of abusing against the appellant and there is dispute between the parties and he will dispose of the prayer for bail, if possible, on the same day on its own merit without being prejudiced by this order.

With this observation this application is disposed of.

(Vinod Kumar Sinha, J)

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