

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2149 of 2017

Arising Out of PS.Case No. -15 Year- 2015 Thana -SC/ST District- SHEOHAR

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Md. Alauddin, son of Late Md. Abuzar, R/o Village- Sheopur , Ward No.-7,
P.S.- Sheohar, District- Sheohar.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Abhimanyu Sharma, Advocate

For the Respondent/s : Ms. Usha Kumari, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 14.6.2017 passed in A.B.P. No. 141 of 2017 by
Additional District & Sessions Judge-I-cum-Special Judge,
Sheohar, arising out of Sheohar SC/ST P.S.Case No. 15 of 2015
registered for the offences under Sections 341, 323, 354, 504 of
the Indian Penal Code and 3(i)(x)(xi) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act and for grant of
pre-arrest bail to the appellant.

Allegation against the appellant is of abusing the
informant by taking her caste name.

It has been submitted on behalf of the appellant that



informant has come to the office of D.C.L.R. and asked for some paper and as there was some delay in giving the paper she has obstructed the official duties and this false case has been filed against the appellant and prior to the present case the appellant has filed a case against her, which is Annexure-3.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(x)(xi) of the Act is made out against the appellant, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable, rather appellant to surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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