

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1179 of 2017

Arising Out of PS.Case No. -68 Year- 2016 Thana -DHANGAI District- BHOJPUR

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1. Md. Adil @ Jhuna Mian Son of Rahmuddin Warsi
2. Md. Shahrukh Son of Umar Miyan Both are residents of Village Dalippur, Police Station Dhangai, District - Ara (Bhojpur).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Ban Bihari Singh
For the Informant : Mr. Chandan Kumar Verma, Adv.
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 appellants seek pre arrest bail in connection with Dhangai P.S. Case No. 68 of 2016 registered for offences punishable under Sections 323, 379, 384, 504/34 of the Indian Penal Code and Sections 3(1)(x) SC/ST Act.

Appellant no. 1 is named in the F.I.R., so far appellant no. 2 is concerned it appears that his name transpired during the course of investigation and allegation is that he abused the informant by taking his caste name and also demanded rangdari.

It has been submitted on behalf of learned counsel for the appellants that so far appellant no. 2 is concerned, his name appeared during the course of investigation but no specific allegation has been levelled against him. So far appellant no. 1, is concerned, he can only be alleged to be the member of the mob and also no specific allegation has been levelled against him, which will appear from perusal of F.I.R., that there is dispute between tempo driver and as such he has been made accused in this case.



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 appellants, as such, this appeal is not maintainable.

Let the appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellants that no specific overt act has been attributed to him, 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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