

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1267 of 2017

Arising Out of PS.Case No. -307 Year- 2016 Thana -GARKHA District- SARAN

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Seraj Ansari @ Seraj Ahmad Ansari Son of Rajaullah Ansari Resident of
Village - Hasanpura, P.S. - Garkha, District - Saran at Chapra (Bihar).

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Sri Sanjay Kumar Tiwary 1
Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-06-2017

This appeal is for grant of pre-arrest bail in connection with Garkha P.S. Case No. 307 of 2016 registered for the offences punishable under sections 341, 323, 504 of the Indian Penal Code and sections 3 (i) (x) of the SC/ST (POA) Act.

Allegation against the appellant, as per the F.I.R., is that he has abused the informant by taking his caste name.

It has been submitted on behalf of the appellant that the FIR itself shows that dispute is in between the Mukhiya of the Gram Panchayat and the informant and petitioner has no concern with the aforesaid dispute, but instead of that he has been made accused in this case.

Heard learned Special Public Prosecutor. Learned Special Public Prosecutor opposed the prayer for bail of the



appellant on the ground that there is an allegation of abusing against the appellant by taking caste name of the informant, as such, 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 allegation made in the F.I.R, this appeal is not maintainable.

Let the appellants surrender before the Special Court and make prayer for regular bail, which will be considered by the Special Court and after considering the submission as stated above and the materials available on record, will pass an appropriate order without being prejudiced by the order of this Court if possible on the same day..

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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