

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1246 of 2017

Arising Out of PS.Case No. -81 Year- 2015 Thana -KHARIK District- BHAGALPUR

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Jai Prakash Choudhary Son of Late Sipahi Choudhary @ Janardhan Choudhary, Resident of Village- Kharik Bazar, P.S.- Kharik, District- Bhagalpur.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Nurul Hoda, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-06-2017 This application is for grant of bail in connection with Kharik P.S. Case No. 81 of 2015 registered for the offences punishable under sections 341, 328, 325, 504 and 506 of the Indian Penal Code and sections 3 (i) (x) of the SC/ST (POA) Act.

Allegation against the appellant is that he has abused the informant by taking his caste name and also assaulted him causing fracture injury in his hand.

It has been submitted on behalf of the appellants that as a matter of fact, the informant and others tried to grab the land from his land which was objected by the appellant being Sarpanch, and as such, he has been made accused in this case. Further submission of the appellant is that earlier to that he was on Police bail and there is no allegation of absconding against him.



Heard learned Special Public Prosecutor. Learned Special Public Prosecutor opposed the prayer for bail of the appellant on the ground that there is a *prima facie* case under the abovementioned sections is made out against the appellant, as such, this appeal is not maintainable.

Having heard both sides and in view of allegation as stated above, this appeal is not maintainable. Let the appellant surrender before the Special Court and make prayer for regular bail, which will be considered by the Special Court on the basis of submission as stated above and the Special Court after considering the aforesaid submission and materials available on record, will pass an appropriate order if possible 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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