

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1003 of 2017

Arising Out of PS.Case No. -18 Year- 2015 Thana -SC/ST District- MADHEPURA

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1. Md. Mustaque, son of Late Suleman,
2. Md. Istiyak, Son of Late Suleman, Both are resident of Village- Puraini,
P.S.- Srinagar, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dinesh Prasad Verma

For the Respondent/s : Mr. Binay Krishna

For the Informant : Mr. Shyameshwar Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-06-2017 The appellants seek pre arrest bail in connection with Madhepura SC/ST P.S. Case No. 18 of 2015, registered for offences punishable under Sections 341, 323, 504, 379/34 Indian Penal Code, Section 3/4 of Prevention of Witch(Daain) Practice Act, 1999 and section 3(1)(S)(zb) of SC/ST (POA) Act.

Allegation against the appellants and other accused person is that they forcibly administered dirty liquid (maila) in the mouth of the informant by calling her dyne and there is also allegation against the appellants and other accused persons that they assaulted the informant.

It has been submitted on behalf of the appellants that there is land dispute between the parties and immediate cause of action is that appellants protested the appointment of Anganwadi Sevika on the basis of forged certificate and only in retaliation;



this false case has been filed against the appellants.

Learned Special P.P. as well as learned counsel for the informant opposed the prayer for bail and submitted that there is specific allegation against the appellants under Section 3(1)(z)(b)I and as such, the appellants do not deserve the privilege of bail.

Having heard both sides, in view of the fact allegation, this appeal is not maintainable.

Let appellants surrender before the special court and make prayer fore regular and if any such application is filed, the special court after considering the submission of learned counsel for the appellants that there is land dispute between the parties and other materials available on record, 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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