

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2027 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -DHANAHAN District-
WESTCHAMPARAN(BETTIAH)

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1. Rustam Ansari, Son of Mohammad Ansari,
2. Irshad Ansari, Son of Narsullah Ansari,
3. Arman Ansari, Son of Mohammad Ansari, All Resident of Village-
Dahwa, P.S.- Dhanaha, District- West Champaran.

.... Appellants/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Zainul Abedin
For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-08-2017 At the very outset, learned counsel for the appellants has submitted that since the appellant no. 1 has already been arrested, the appeal with regard to appellant no. 1 has become infructuous and, therefore, he may be allowed to withdraw the appeal with regard to appellant No. 1.

Permission is accorded.

Accordingly, the appeal with regard to appellant no. 1, is dismissed as become infructuous.

So far other appellants are concerned, they seek pre arrest bail in connection with Dhanha P.S. Case No. 73 of 2017, registered for offences punishable under Sections 341, 323, 325, 308, 379 and 504/34 of Indian Penal Code and section 3(i)(x) of SC/ST Act.



Allegation against the appellants that they assaulted the informant and also snatched away Rs. 2500/- from him.

It has been submitted on behalf of the appellants that due to village politics they have falsely been made accused in the present case. Further there is no allegation of abusing the informant by caste name and so far other allegations are concerned, they are only general and omnibus in nature.

Learned Special P.P. opposed the prayer for bail on the ground of maintainability.

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 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 above submission of learned counsel for the appellants, 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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