

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3078 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -DIGHALBANK District- KISANGANJ

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Mukul Hussain @ Md. Mukul Hussain son of Late Arshad Ali, Resident of
village Harwadanga, P.S. Dighalbank in the district of Kishanganj.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-11-2017 3078

The appellant seeks pre arrest bail in connection with
Kisahaganj Spl. (SC/ST) No.05 of 2017 (arising out of Dighalbank
P.S.Case No.108 of 2016) registered for offences punishable under
Sections 504 & 506/34 Indian Penal Code and section 3(1)(r) of
SC/ST Act.

Allegation against the appellant is of abusing the
informant by taking caste name and also threatening him to
implicate in any case.

Submission of the learned counsel for the appellant is
that as the appellant has friendship with the *Chaukidar*, who
happens to be *Gotia* of the informant with whom the informant has
not good relation, as such he has been falsely implicated in this
case. He is resident of another village.



Heard learned Special P.P. also, who has opposed the prayer for bail on the ground that *prima facie* the case has been lodged on the basis of FIR, as such this appeal is not maintainable.

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

Let appellant surrender before the special court and make prayer for regular, which will be considered by the learned Special Judge on the basis of submissions as stated above.

Considering the same as well as other materials, he will dispose of the same 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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