

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1148 of 2017

Arising Out of PS.Case No. -312 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

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Md. Hussain @ Sultan @ Muzaffar Hussain son of Md. Sabir, resident of
village- Sakri, P.S. Kurhni (Turki O.P.), District Muzaffarpur.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Radha Mohan Singh

For the Respondent/s : Mr. Sadanand Paswan.Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-05-2017

Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14(A) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 10.01.2017 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, S.C./S.T. Muzaffarpur in connection with A.B.P. No. 37 of 2016 relating to Kudhani (Turki) P.S. Case No. 312 of 2016, registered for the offences punishable under Section 302 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act, whereby and whereunder prayer for anticipatory bail made on behalf of the appellant has been rejected.

The appellant is not named in the F.I.R. This is a case of murder of a scheduled caste lady.

It has been submitted on behalf of the appellant that the



appellant has been falsely implicated in this case and, even as per the F.I.R., the allegation is against unknown person from whose mobile number, the deceased was called. It has been submitted that later on, the mother of the deceased started search and during the course of search, she found the dead body of the deceased in a field. It has further been submitted that during the course of investigation the mother of the deceased said that earlier Md. Sultan was teasing her daughter before marriage and on 10.10.2016, he threatened her with dire consequences and as such she suspected his hand in the case. It has further been submitted that save and except, there is nothing against the appellant and as such no case is made out under section 3(ii)(v) of the SC/ST Act.

Heard learned Special P.P. also.

Heard both sides and in view of the nature of allegation and as the matter relates to death of a scheduled caste lady and a case under Section 3(2)(v) of the S.C. & S.T. (P.O.A.) Act, I am not inclined to grant privilege of pre-arrest bail to the appellant. The appellant may surrender in the court below and pray for regular bail which shall be considered on its own merit as well as on the basis of the statement made by the mother of the deceased, and it shall be disposed of, if possible, on the same day.

Accordingly, with the aforesaid observation, this



appeal is dismissed.

(Vinod Kumar Sinha, J)

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