

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3384 of 2018

Arising Out of PS. Case No.-8 Year-2018 Thana- BELAGANJ District- Gaya

Nasiruddin Khan @ Guddu Khan @ Md. Nasiruddin S/o Late Samsuddin Khan, R/o Vill.- Agthu, P.S.- Belaganj, Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashutosh Singh, Adv

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 08.08.2018 in A.B.P. No.168 of 2018 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Belaganj P.S.Case No. 08 of 2018 registered under Sections 302,120(B),354/34 of the Indian Penal Code,Section 27 of Arms Act as well as under Sections 3(1)(m)(r)(s)(w)(i)(2) (v) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, on the order of the appellant, co-accused-Lallu Khan allegedly fired at the husband of the informant which caused death.



Submission is that the main allegation is against Lallu Khan. Appellant has got no criminal antecedent. False implication is there due to village politics. Further submission is that co-accused-Rizwan Khan @ Rijju Khan @ Md. Rizwan and co-accused-Sadaf Minhaz have already been allowed anticipatory bail by this Court. Allegation against the appellant is distinguishable from those person, as no overt-act was alleged against them, whereas allegation against the appellant is that on his order, firing was made by Lallu Khan. As such, the appellant actively participated in the occurrence.

Hence, I am not inclined to enlarge the appellant on bail. He may surrender and pray for regular bail.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2018
Transmission Date	06.12.2018

