

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1395 of 2021

Arising Out of PS. Case No.-35 Year-2018 Thana- KHUSRUPUR District- Patna

Md. Gulfan @ Md. Gulfam @ Md. Afjal S/O Md. Riyasat Ali Village-Harddas
Bigha, P.S-Khushrupur, District-Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Pathak, Advocate.

For the Respondent/s : Mr. Binay Krishna, S.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-05-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceeding.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail *vide* order
dated 11.12.2020 passed by 3rd Additional District and Sessions
Judge-cum-Special Judge SC/ST Act, Patna in connection with
Special Case No. 106 of 2018 arising out of Khushrupur P.S.
Case No. 35 of 2018 registered under Section 302/34 of the
Indian Penal Code and Section 27 of the Arms Act and Section
3(1) (r)/3(2)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



The allegation against the appellant is of firing upon the husband of the informant. Appellant and Md. Baua, the other co-accused were selling wine near the Darwaja of the informant, which was objected by the informant's husband upon which aforesaid persons abused him in his caste name and threatened to consequence.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Appellant has been falsely implicated in the case due to land dispute regarding the Masjid land with the informant and her husband. He further submits that as a matter of fact no occurrence had taken place as alleged by the informant rather in different way and different manner husband of informant who having history sheeter killed mob and in the same occurrence, one Raushan was also killed for which a separate case was registered and prosecution concealed this story in the FIR but during investigation this fact has been found true.

Learned counsel further submits that during investigation police has not recorded statement of the independent witnesses, only the family members and other witnesses have been examined by the police. He submits that



after investigation police has filed charge sheet against the appellant. On perusal of the case diary and the FIR it is found that there is specific allegation that the appellant has fired upon the deceased. The appellant is languishing in custody since 01.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail in connection with Special Case No. 106 of 2018 (arising out of Khushrupur P.S. Case No. 35 of 2018) to the satisfaction of 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Patna.

Accordingly, the appeal is dismissed.

(Anjani Kumar Sharan, J)

GAURAV S./-

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