

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3034 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- AGION (GARHANI) District- Bhojpur

Mumtaz Ali @ Bhuwar S/o Anulddin Mian @ Anuhddin Miya Resident of
Village - Ratnarh, P.S. - Agiaon (Garhani), District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Ataul Haque
For the Respondent/s : Smt. Usha Kumar 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 09-12-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 21.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with Agioan (G) P.S. Case No.42 of 2021, registered under Section 302 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

The appellant is said to have killed the daughter of the informant by pressing her neck.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. It is



further submitted that the postmortem report does not support the prosecution story as deceased sustained injury on her right temporal region whereas the allegation against the appellant is of strangulation. The appellant is in custody since 18.03.2021. It is lastly submitted that the appellant has got no criminal antecedent as stated in para 3 of the memo of appeal.

Learned Special P.P. for the State opposes the prayer for bail of the appellant and submits that specific allegation is against the appellant that he abused the daughter of the informant, strangled her to death and fled away. The postmortem report supports the prosecution story.

Having considered the facts aforesaid, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the appellant is rejected.

The appeal is dismissed.

(Anjani Kumar Sharan, J.)

Sanjay/-

U		T	
---	--	---	--

