

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3100 of 2021**

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

LALLU MUSAHAR S/O Darshan Musahar Resident of Vill - Ratnarh, P.S. -
Agion (G), Dist. - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Ranjan Pd. Singh

For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-08-2021 Heard learned counsel for the appellant and the
learned Special P. P.

The present appeal has been filed against order dated 21.06.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge, Bhojpur, Ara in SC/ST case No. 66/2021, arising out of Agion PS Case No. 42/2021, registered for the offence punishable under Sections 302 of the Indian Penal Code and u/s 3(2)(v) of SC/ST Act, whereby the prayer for bail of the appellant has been rejected.

As per the prosecution case, the daughter of informant had developed illicit relation with one Mumtaz Ali and when this fact was known by her husband, her husband left his daughter. Mumtaz Ali used to come regularly at her house and was also giving maintenance to her. Few months before



informant and his son protested Mumtaz Ali, beaten and drove him but Mumtaz Ali was adamant and he was forcibly kept coming to her house. His daughter was suffering from serious disease for more than 2-3 months and was putting pressure on Mumtaz Ali for treatment. On 15.03.2021 Mumtaz Ali came to the house and some altercation took place between his daughter and Mumtaz Ali for treatment. In anger Mumtaz Ali strangled her to death and fled away. The informant came in morning and found her dead body.

It is submitted that appellant is not named in the FIR and during the course of investigation it has come that petitioner being brother of the deceased assaulted the deceased because he did not like the affairs of his sister. The specific allegation of assault is against Mumtaz Ali. SC/SC Act is not applicable against the appellant as the appellant is also a member of SC/ST community. The appellant has got clean antecedent and is in custody since 19.03.2021.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 21.06.2021 is hereby set aside and this appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum- Special Judge, Bhojpur, Ara in connection with SC/ST case No. 66/2021, arising out of Agion PS Case No. 42/2021.

(Prabhat Kumar Singh, J)

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