

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5816 of 2019**

Arising Out of PS. Case No.-33 Year-2018 Thana- SC/ST District- Araria

MD. MUMTAZ Son of Tetar Miyan Resident of Village - Gunwanti, P.S.-
Bousi, District- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrigendra Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

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

3 10-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceedings.

This is an appeal under section 14(A) 2 of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
17.07.2019, passed by learned 1st Additional Sessions Judge,
Araria, in connection with Spl. (SC/ST) Case No.83/18, arising
out of Araria (SC/ST) P.S. Case No.33 of 2018, registered under
sections 420, 406, 354(B), 313, 384, 342, 323 of the IPC and
sections 3(i)(s) of the SC and ST (POA) Act.

The prosecution case in short is that the informant's
husband died due to electric shock and accordingly, Rs.3 Lacs



was allotted in her name as disaster money. The appellant, who was working in the Block Office, Raniganj, on the pretext of managing to get the said amount, established physical relationship with her several times, as a result of which she got pregnant but he forced her for abortion. It is alleged that, he cheated Rs.1,80,000/- after getting her thumb impression in the name of withdrawing the Rs.3 Lacs, which was given to her as disaster money and when the informant demanded the same, he abused her in the name of caste and torn her cloth.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with ulterior motive. There is general and omnibus allegation against the appellant. He has no role in the entire episode but has been implicated to grab some money from him. Appellant has no criminal antecedent, as also, mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation against the appellant that he grabbed the money of the informant, which was granted to her as disaster money and abused her in the caste name.



Considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the appellant. The prayer for bail is rejected.

Accordingly, the appeal stands dismissed.

(Anjani Kumar Sharan, J)

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