

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2925 of 2023**

Arising Out of PS. Case No.-45 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

NUR ALAM @ MD. NUR ALAM S/O ZIAUL HAQUE R/O Village-
Dariyapur, Om Nagar, P.S- Kalichak, Distt.- Malda(W.B).

... .. Appellant/s

Versus

1. The State Of Bihar
2. Anjali Tuddu W/O Late Lakhi Ram Kisku R/O Village- Saraidih, P.S-
Eather, Distt.- North Dinazpur (West Bengal).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 02-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 31.05.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Magadh University P.S. Case No. 45 of 2023 under Section 302 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of killing the husband of the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The



appellant is the head (Munshi) of the work site of M/s Rama Constructions Company and he was duty bound to manage the work at the sites and to engage the labours to assign particular work. He submitted that on the fateful day, the husband of the informant came in full drunken mood and he started pressing hard and beating his wife at the site to leave the job as a result, the entire work at the site got interrupted and hence this appellant, simply chided the deceased to go away from the spot and finally he left the spot so the appellant cannot be held responsible for the alleged killing of the informant's husband. There is no consistent evidence has come against the appellant to show his complicity in the alleged occurrence. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 10.02.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.05.2023 arising out of Magadh University P.S.



Case No. 45 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Magadh University P.S. Case No. 45 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya.

(Sunil Kumar Panwar, J)

Arish/-

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

