

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.973 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- ISLAMPUR District- Nalanda

Md Afroz @ Md Afroj @ Md Dikkan Son of Md Najeem Resident of
Bawlibagh Islampur, P.S.-Islampur, Distt.-Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Khushboo Devi Wife of late Upendra Das Resident of lohartoli Islampur,
P.S.-Islampur, Distt.-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md Anis Akhtar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 21-06-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 08.01.2024 passed by the learned court below,
Nalanda in connection with Islampur P.S. Case No. 462 of 2023
dated 17.08.2023 registered for the offence/s punishable u/s 302
read with 34 of the Indian Penal Code and 3(1)(r)(s) and 3(2)
(V) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the



co-accused persons are alleged to have killed the informant's husband and the dead body of her husband was thrown near the gali of her house after assaulting him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant. The other co-accused persons have already been granted bail by this court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 227 of 2024. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 05.10.2023.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant and submitted that it is a case of last seen. The case of the co-accused, who has already been granted bail vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 227 of 2024 is different from that of the petitioner. It is the petitioner Afroz and the co-accused Md. Shamim took the informant's husband for Panchayati on 16.08.2023 at 5 PM and the dead body of the informant's



husband was thrown near the Gali of her house after assaulting him.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the appellant , I am not inclined to enlarge the appellant on bail.

7. The learned trial court is further directed to expedite the trial and conclude the same at the earliest

8. Accordingly, the appeal stands rejected.

(Chandra Prakash Singh, J)

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