

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5483 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Mukesh Kumar Son Of Ajay Kumar Sah @ Ajay Kumar Shah Resident Of
Village- Bishambarpur Ailoth Ward No.-5, Police Station- Musarigharari,
District- Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Manisha Kumari Wife Of Mukesh Kumar Resident Of Village-
Bishambarpur Ailoth Ward No. 5, Police Station- Musarigharari, District-
Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mahendra Pratap, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Special P.P.
For the Respondent no.2	:	Mr. Anant Kumar Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 16-04-2024 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned counsel for the
Special P.P.

2. The appellant has preferred the present appeal filed
under Section 14A(2) of the Scheduled Castes & Scheduled
Tribes (Prevention of Atrocities) Act, 1989 against the order
dated 23.09.2023 passed by learned Special Judge SC/ST
(POA), Act, Samastipur in Musarigharari P.S. Case No. 79 of
2023 instituted for an offences punishable under Sections 302,
201, 323 and 313/34 of the Indian Penal Code and Sections 3(1)
(r)(s), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act by



which the appellant's prayer for bail was rejected.

4. Allegation against the appellant is that he pressed the neck of his daughter and killed her and when the informant tried to save her daughter, then petitioner caught the informant and threatened to kill her also. Thereafter petitioner along with co-accused dug a hole with the aid of JCB machine and buried the dead body of the deceased. As per the informant, the petitioner along with co-accused tortured her due to the fact that she performed inter-caste marriage with her husband, who earlier aborted the first child of the informant.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. He next submits that the daughter of the informant died due to bad health conditions and buried as per the Hindu rights and rituals. Appellant is in custody since 12.06.2023.

6. The learned Special P.P. opposed the prayer for bail of the appellant. Learned counsel for the respondent no.2 submits that there is direct allegation against the appellant for committing the murder of the deceased.

7. From perusal of the first information report as well as impugned order dated 23.09.2023, it appears that the petitioner pressed the neck of the daughter of the informant and



when the informant tried to save her daughter, then the petitioner caught the informant and threatened to kill her. The witnesses have also supported the case of the prosecution as mentioned in the case diary and according to the postmortem report, the informant’s daughter died due to asphyxia caused by smothering and as per postmortem report, it is evident that the daughter of the informant was killed by pressing her neck.

8. Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the appellant.

9. Prayer for bail of the appellant is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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