

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4227 of 2024

Arising Out of PS. Case No.-249 Year-2024 Thana- EKMA District- Saran

Nuraisha Khatoon Wife of Late Badshah Ansari Village- Dhanauti, Ps- Ekma,
Dist- Saran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Anis Akhtar

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

5 17-04-2025 Heard learned counsel for the appellant and learned
learned Special Public Prosecutor for the State but none
appeared on behalf of the OP No. 2 despite the notice has
validly been served.

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 26.07.2024 passed by the learned Special Judge,
SC/ST (POA) Act, Chapra, Saran in Ekma P.S. Case No. 249 of
2024 dated 30.06.2024 registered for the offence/s punishable
u/ss 302, 120B read with section 34 of the IPC and sections 3(1)
(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the petitioner along



with the four unknown miscreants are alleged to have killed the informant's son due to love affair as he used to visit the house of the appellant and after killing him his dead body was thrown outside the village.

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 the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under the SC/ST Act. There is no eyewitness to the alleged occurrence. The petitioner is a lady. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 01.07.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is direct allegation against the appellant of committing murder of the informant's son by pressing his neck as per the confessional statement of the appellant, when the deceased was sleeping at the house of the appellant. As per para 4, 6, 7, 8 and 9, the independent witnesses have also supported the prosecution case and as per the postmortem report, neck region



bruise was found on the back of neck of the deceased.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 26.07.2024 passed by the learned Special Judge, SC/ST (POA) Act, Chapra, Saran in Ekma P.S. Case No. 249 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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