

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.80 of 2022

Arising Out of PS. Case No.-319 Year-2020 Thana- PUPRI District- Sitamarhi

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1. SAHINDRA SAH Son of Late Hazari Sah Resident of Village- Koeli, P.S.- Nanpur, District- Sitamarhi.
 2. Pano Devi W/o Sahindra Sah Resident of Village- Koeli, P.S.- Nanpur, District- Sitamarhi.
 3. Suresh Sah @ Suresh Son of Sahindra Sah Resident of Village- Koeli, P.S.- Nanpur, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. MAHINDRA BAITHA Son of Late Jaleshwar Baitha Resident of Village- Ibrahimpur, Ward No.-7, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Jha
For the Respondent/s : Dr. Ajeet Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 22-09-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 16.06.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA)



Act, Sitamarhi registered for offence punishable under sections 341, 323, 324 and 302/34 of the Indian Penal Code and sections 3 (1) (i) (r) (s) (w) (1)/3(2) (va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, on 24.10.2020 at about 08:00 P.M., when the informant received a telephonic message that his daughter has been murdered, the informant called the landlord of his daughter. The details of the occurrence was narrated by landlord of the deceased. The informant went there and saw the dead body of his daughter and her throat was slit and the dead body was in a pool of blood. The inmates of the house were absconding. The husband of the deceased was living with her in a tenanted accommodation. The husband was not providing the basic needs of the deceased and he used to torture her. Sunita Kumari. the first wife of the husband of the deceased used to inflict atrocities on her. All the attempts to persuade her husband became futile effort. The informant expressed his firm belief that ten named accused persons, including the appellants, have committed murder of the deceased.

The learned counsel for the appellants has submitted that appellants are innocent and they are father,



mother and brother of Sunita Devi, first wife of the husband of deceased. They have no concern with the alleged occurrence.

Case diary has been called for in this case.

The learned counsel for the appellants has submitted that none of the witnesses has taken the name of the appellants except the informant, that is too merely on suspicion.

Some accused persons on similar footing have been granted regular bail. The appellants are directed to surrender before the court below and make a prayer for regular bail. I do not see any reason as to why the similar benefit should not be given to the appellants.

With these observations, the appeal is disposed of.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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