

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4275 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- FALKA District- Katihar

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Bishwanath Marandi S/O Ram Marandi Resident of Village- Srikol (Wrongly mentioned in the impugned order as Resident of Village- Frikol Dhanetha), P.S- Falka, District- Katihar.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Rupa Devi W/O Sajan Choudhary R/O Village- Srikol, P.S- Falka, Distt.- Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Bimal Kumar
For the State	:	Mr.Sadanand Paswan
For Opposite Party No. 2 ;		Mr. Sanjeev Kumar Singh
		Ms. Neha Rani

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 229-10-2024
1.

Heard learned Counsel for the appellant, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
2.

An order, dated 21.08.2024, passed, by learned Special Judge, SC/ST Act, Katihar, in A.B.P. No. 09 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Falka Police Station Case No. 105 of 2024, registered for the offences punishable under Sections 363/364/365/506/302 of the Indian Penal Code



and Sections 3 (2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that at 3 PM on 18.05.2024, the husband of the informant had gone out of her house but did not return till night and in course of search, she came to know that her husband had a quarrel with one Sajan Choudhary. She further stated that her husband had a dispute with one Md. Munna, who might have kidnapped her husband due o the previous dispute.
4. Learned Counsel appearing on behalf of the appellant submits that this case was initially lodged under Sections 363/364/365/506 of the Indian Penal Code, but in course of investigation, the dead body of the husband of the deceased was found and later on Section 302 of the Indian Penal Code was added. He further submits that during investigation, the police apprehended Prem Lal Marandi and Mahendra Marandi and on their disclosure, the dead body of the husband of the deceased was found on 21.05.2023 and the name of petitioner transpired on the basis of confessional statements of co-accused Prem Lal



Marandi and Mahendra Marandi and except their confessional statements, there is no material to connect the appellant with the alleged offence. He further submits that it would be evident from the First Information Report that the ingredient of provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is not made out against the appellant.

- 5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that though the ingredients of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is missing, but from the impugned order, it is evident that the appellant has taken active role in the murder of the husband of the informant.
- 6. Having heard learned Counsel for the parties and taking into consideration the seriousness of offence and severity of punishment, I am not inclined to grant the appellant privilege of anticipatory bail.
- 7. This appeal is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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