

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4408 of 2023**

Arising Out of PS. Case No.-23 Year-2023 Thana- PUPRI District- Sitamarhi

1. Ramesh Kumar @ Bhawesh Kumar Son Of Devendra Ram Residents Of Bhima Makleshwar, Bhima Makresar, Police Station- Pupri, District- Sitamarhi
2. Devendra Ram Son Of Julum Ram Residents Of Bhima Makleshwar, Bhima Makresar, Police Station- Pupri, District- Sitamarhi

... .. Appellants

Versus

1. The State Of Bihar
2. Ram Jatan Ram Son Fo Mehendra Ram Resident Of Village- Hariharpur, Ps- Pupri, Distt- Sitamarhi

... .. Respondents

**Appearance :**

|                      |   |                                                                       |
|----------------------|---|-----------------------------------------------------------------------|
| For the Appellants   | : | Mr.Ashhar Mustafa, Advocate<br>Mr. Anita Kumari, Advocate             |
| For the Respondent/s | : | Mr.Binay Krishna, Spl. Public Prosecutor<br>Madhubala Verma, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

5      16-05-2024                      Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 11.8.2023 passed in a case registered for the offence punishable under sections 302, 201/34 of the IPC and sections 3(i)(r)(s)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on 05.01.2023, at about 10:00 A.M., minor son of the informant went to Hariharpur Chowk but he did not return. On 08.01.2023, the



informant filed a petition in the concerned police station for missing of his son. On 11.01.2023, at about 04:00 P.M. appellant no.1 met him and told him to withdraw his petition filed in the police station. He told that his son Vimal Kumar is a minor and has gone to earn livelihood, failing which he will be put in dire consequences. His father, Devendra Ram (appellant no.2) also supported his son appellant no.1. On 14.01.2023, at about 09-10 A. M., the informant saw the dead body of his son near brick-kiln Eastern side of village Hariharpur Chowk. Respondent no.2 suspected that his son might have been killed by these appellants.

4. Learned counsel appearing for the appellants submits that due to suspicion appellants have been implicated in this case. Respondent no.2 is not the eye witness of the occurrence. Appellants belong to SC/ST category, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellants, named above, in the event of



their arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge SC/ST Act cum Additional Sessions Judge I, Sitamarhi.

**(Prabhat Kumar Singh, J)**

Shashi

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