

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5 of 2024

Arising Out of PS. Case No.-168 Year-2020 Thana- PIYAR District- Muzaffarpur

Surya Mohan Ram S/o Chandeshwar Ram R/o vill - Nunfara, P.S. - Piyar,
Distt. - Muzaffarpur

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Munni Devi W/o Sunil Ram R/o vill - Nunfara, Sabaldiha, P.S. - Pear, Distt.
- Muzaffarpur

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 52 of 2024

Arising Out of PS. Case No.-168 Year-2020 Thana- PIYAR District- Muzaffarpur

Munni Devi Wife of Sunil Ram Resident Of Village Noonfara Sabaldiha Tola
Ps Piar District Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 2107 of 2024

Arising Out of PS. Case No.-168 Year-2020 Thana- PIYAR District- Muzaffarpur

Sunil Ram Son of Khelawan Ram Resident of Village - Noonfara, Sabaldiha
Tola, P.S.- Piar, District - Muzaffarpur.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Munni Devi Wife of Sunil Ram Resident of Village - Noonfara, Sabaldiha
Tola, P.S.- Piar, District - Muzaffarpur.

... .. Respondent/s



Appearance :

(In CRIMINAL APPEAL (SJ) No. 5 of 2024)

For the Appellant/s : Mr.Chandra Shekhar Anand, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

(In CRIMINAL APPEAL (SJ) No. 52 of 2024)

For the Appellant/s : Mr.Alok Kumar Alok, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

(In CRIMINAL APPEAL (SJ) No. 2107 of 2024)

For the Appellant/s : Mr.Alok Kumar Alok, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 27-09-2024

Heard learned counsel for the appellants and the learned Spl.PP for the State.

2. These appeals are directed under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide orders dated 18.10.2023 and 31.10.2023, respectively passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in A.B.Ps. No. 3366 of 2023 and 3738 of 2023, respectively, arising out of Piar P.S. Case No. 168 of 2020, registered for the alleged offences under Sections 376, 302, 201, 120B/34 of the Indian Penal Code and Sections 3(1)(s)(w)(i)(ii),3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, appellant Munni Devi



recorded her fardbeyan that her sister-in-law Vibha Kumari was murdered by Sonu Kumar, his father and 3-4 persons after committing rape with her. However, during investigation the fact came to the knowledge that the appellant Munni Devi and other appellants and along with other co-accused persons murdered the sister-in-law of Munni Devi, Vibha Kumari.

4. The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The appellant Munni Devi lodged the case and during investigation the police has made the Munni Devi accused by overturning whole of the case. The appellants have been named in this case on the basis of confessional statement of co-accused Ram Nath Ram, maternal uncle of the deceased and brother of appellant Surya Mohan Ram and except confessional statement, which has no legal sanctity, there is no other material against the appellants. During investigation the fact has come in the statement of the witnesses that there had been love affair between Sonu Kumar and deceased and she was murdered by family of Sonu Kumar. The appellants have no concern with the family of Sonu Kumar. Learned counsel further submits that there could be no application of provisions of SC/ST (POA) Act against the appellants as all the appellants



belong to the SC category. Co-accused Ram Nath Ram was forced to confess his role as well as role of the appellants in the killing of sister-in-law of appellant Munni Devi. Learned counsel submits that the appellants have no criminal antecedent.

5. Learned Spl. PP opposes the submission made on behalf of the appellants. Learned Spl. P.P. submits that the appellant Munni Devi and other appellants tried to implicate co-accused Sonu Kumar and his family members as there has been illicit relation of Sonu Kumar with the deceased. The witnesses examined during investigation in paragraphs 63, 64 and 65 of the case diary have indicated about involvement of the appellants though their statement is not specific but it is quite natural since no one has seen the occurrence. Learned Spl. P.P. further submits that the postmortem report shows the cause of death due to asphyxia caused by ante-mortem strangulation. Some other injuries were also found on the body of the deceased. But possibility of rape was ruled out. It is a case of honour killing.

6. Having regard to the submissions made on behalf of the parties and considering the nature of allegation, I do not think it is a case to grant anticipatory bail to the appellants and hence, their prayer for anticipatory bail is rejected.



7. Accordingly, the impugned orders are affirmed
and the appeals are dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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