

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1804 of 2025

Arising Out of PS. Case No.-448 Year-2023 Thana- NOORSARAI District- Nalanda

Parwati Devi W/o Sudhir Kumar Resident of village- Bhakhari, P.S.-Noor Sarai, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhiraj Kumar S/o Amit Paswan R/o vill - Pawapatti, P.s. - Noor Sarai, Distt.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar No. I, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 15-09-2025 1. Heard learned counsel for the appellant and learned Spl. P.P. for the State, Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 10.03.2025 in A.B.P. No. 182 of 2025 passed by the learned VI Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bihar Sharif, Nalanda in connection with Noor Sarai P.S. Case No. 448 of 2023 registered for the offences punishable under Section 365 of the Indian Penal Code read with Sections 3(2)(V) of the SC/ST Act.



3. The SHO, Noor Sarai P.S. and the Investigating Officer of the case, in compliance of the order dated 03.09.2025 are present in the Court.

4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and is a woman and the informant alleges that his mother Babita Devi was called by Sudhir Yadav on 16.09.2023 at 07:00 PM to irrigate his field at Bhakhari Khanda and thereafter Babita Devi disappeared, accordingly, the instant FIR was instituted at Noor Sarai police station, it is next submitted that a dead body was recovered by Sarmera P.S. on 17.09.2023 and the postmortem of the dead body was carried out and thereafter the dead body was cremated by the police. It is submitted that thereafter Sonu was arrested and he was made to confess that he along with his family members committed the murder of Babita Devi since Babita Devi was in illicit relationship with the husband of the present appellant.

5. The learned counsel for the appellant submits that no doubt a dead body was recovered, but then the dead boy was not claimed by family members rather the cremation was done by the police. It is further submitted that had the dead body been of Babita Devi, in that event her family members in



pursuance of the photographs published in the newspaper, as submitted by the SHO, would have come forward to claim her dead body. It is submitted that the appellant has been implicated in the instant case based on confessional statement of Sonu, but then the confessional statement of Sonu was recorded after the dead body was recovered and cremated which casts an aspersion on the case of the prosecution that whether it was dead body of Babita Devi which was recovered or after the dead body of the recovered victim was cremated, Sonu was implicated. The learned counsel appearing on behalf of the appellant further submits that appellant will not abscond rather will cooperate in the investigation to prove her innocence.

6. Learned Spl. P.P. for the State, Mr. Binay Krishna based on instruction of the SHO and the Investigating Officer of the case also submits that a dead body of a female was recovered by Sarmera P.S., postmortem was done and the dead body was cremated by the police and no one came forward to claim the same and it was thereafter that Sonu was apprehended and his confessional statement was recorded wherein he confessed his guilt.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 10.03.2025 in A.B.P.



No. 182 of 2025 passed by the learned VI Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bihar Sharif, Nalanda in connection with Noor Sarai P.S. Case No. 448 of 2023, **is hereby set aside** and the appellant above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Noor Sarai P.S. Case No. 448 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

9. The personal appearance of the SHO. Noor Sarai P.S. and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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