

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.711 of 2025

Arising Out of PS. Case No.-403 Year-2022 Thana- PHULPARAS District- Madhubani

Mahadev Thakur Son of Sanjay Thakur Resident of Village - Hulaspatti, P.S. -
Phulparas, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ranjan Devi Wife of Bhikhri Das Resident of Village - Hulaspatti, P.S. -
Phulparas, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhas Ranjan, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 03-07-2025 Heard learned counsel for the appellant and learned

Spl. P.P. for the State. However, learned counsel for the

respondent no. 2 is not present despite notice is validly served

upon the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail of
the appellant vide order dated 21.11.2024 passed by the learned
District & Additional Sessions Judge-I-cum-Special Judge
(SC/ST Act), Madhubani in connection with Phulparas P.S. Case
No. 403 of 2022 dated 20.08.2022 registered for the alleged
offences punishable under Sections 363, 366A, 305, 201, 120B



of the Indian Penal Code and Sections 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the appellant and the co-accused persons are alleged to have taken away the minor daughter of the informant. The accused persons brought her daughter in her courtyard on 18.08.2022 by four-wheeler. The informant asked her daughter about them then she told that the co-accused, Bhola Thakur had kept her at the residence of his relative. The accused persons brought the informant's daughter from Rajnagar on 19.08.2022 and left her in courtyard. On 19.08.2022, the condition of the informant's daughter deteriorated then the appellant and the other co-accused persons took her to hospital for treatment. On 20.08.2022, the informant's daughter died. Thereafter, the appellant and the other co-accused persons took the dead body of the informant's daughter to the east of the village and burnt it.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is a delay of three days in lodging the F.I.R. without any explanation. It is further submitted that no member of public was present at the relevant point of time of the incident



and hence, no offence under provisions of SC/ST Act is made out against the appellant. There is no specific allegation against the appellant rather the only allegation against the appellant is of taking the deceased for treatment. It is further submitted that there was love affair between the deceased and the co-accused, Bhola Thakur. There is no eye witness to the alleged occurrence. The appellant has no concern with the alleged offence. The co-accused person has already been granted bail by a Coordinate Bench of this court vide order dated 25.04.2024 passed in Cr. Appeal (SJ) No. 5721/2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 21.11.2024.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 21.11.2024 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Madhubani in connection with Phulparas P.S. Case No. 403 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed



to be enlarged on bail on furnishing bail bond of Rs. 20,000/-
(Rupees Twenty thousand) with two sureties of the like amount
each to the satisfaction of the learned District & Additional
Sessions Judge-I-cum-Special Judge (SC/ST Act), Madhubani in
connection with Phulparas P.S. Case No. 403 of 2022.

(Chandra Prakash Singh, J)

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