

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2203 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- SAHIYARA District- Sitamarhi

Ranjay Mahto @ Ranjay Kumar Son of Siyasharan Mahto @ Shivsharan
Singh Village- Sugahi ward no 12 PS- Sahiyara District -Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Phulon Devi @ Phulo Devi Wife of Late Manoj Paswan Village- Shahpur,
PS- Sahiyara District -Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parwej Khan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-08-2025 Heard learned counsel appearing on behalf of
appellant and Spl. Public Prosecutor.

2. This criminal appeal has been filed against the order dated 02.04.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in ABP No. 04 of 2025 in connection with Sahiyara P.S. Case No. 03 of 2025, registered under Sections 191(2), 191(3), 190, 103(1), 61(2), 238 of the Bharatiya Nyaya Sanhita, Section 30(a) of the Bihar Prohibition and Excise Act and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.



3. As per prosecution case, on 01.01.2025, husband of the informant went with the F.I.R. named accused persons including this appellant to celebrate new year but did not return. Later on, his dead body was recovered from the field. Informant suspects that the F.I.R. named accused persons including this appellant took her husband in the name of celebration and committed his murder.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Informant is not an eye witness of the occurrence. F.I.R. has been lodged after inordinate delay of four days, without any plausible explanation, which itself raises doubt over veracity of the prosecution case. In the post-mortem report, no external injury was found by the doctor. There is no allegation of abuse by caste name in the F.I.R., as such, no case under SC/ST Act is made out against appellant.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail application and submits that there is specific accusation that this appellant, along with other accused persons, took away husband of the informant and he was last seen with the deceased and thereafter, his dead body was recovered.

6. Considering the nature and gravity of accusation, I



do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

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