

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4096 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- PUSA District- Samastipur

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1. Mahesh Mahto S/o Laxmi Mahto @ Shami Mahto Resident of Village - Maidapur Madappur Chhapra Pusa, Ward no- 12, PS- Pusa, District- Samastipur
 2. Mamta Devi W/o Mahesh Mahto Resident of Village - Maidapur Madappur Chhapra Pusa, Ward no- 12, PS- Pusa, District- Samastipur

... .. Appellants

Versus

1. The State of Bihar
2. Sushila Devi W/o Late Arun Paswan R/o vill - Harpur Mahmada, ward no. 6, P.S. - Pusa, Distt. - Samastipur

... .. Respondents

Appearance :

For the Appellant	:	Mr. Bijay Bhushan Prasad
For the Respondent	:	Mr. Usha Kumari 1
For the Informant	:	Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-07-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 26.07.2024 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with Pusa P.S. Case No. 49/2024 dated 21.05.2024 registered for the offence/s punishable u/s 302, 201, 120B read with Section 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellants came to



the informant's house and requested the informant's husband to come with them for resolving the land dispute matter in their house and after several requests, they took the informant's husband with them on a red color motorcycle but informant's husband did not return to his house and when the informant called on her husband's mobile phone then someone else picked the mobile phone and when the informant's *Bhaisur* called the informant's husband then he told that he was in the house of appellants and thereafter when the informant called on her husband mobile number again then her husband's mobile phone was switched off. On very next day at about 7:00 A.M. the dead body of the informant's husband was found in the orchard of litchi. Further, the informant has alleged that the appellants have killed the informant's husband under conspiracy.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is a delay of three days in lodging the F.I.R. There is no eye witness of the alleged occurrence. There is nothing against the appellants except the confessional statement. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case under the SC/ST Act is made



out against the appellants. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 05.06.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail. In para. 100 of the case diary the confessional statement of the appellant no. 2 is mentioned in which she has stated how she along with her husband (appellant no. 1) have killed the informant's husband.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of the allegation against the appellants, I am not inclined to set aside the impugned order dated 26.07.2024 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with Pusa P.S. Case No. 49/2024 and accordingly, the prayer for bail of the appellants is rejected.

7. Learned trial court is directed to conclude the trial of the appellants at the earliest.

(Chandra Prakash Singh, J)

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