

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4313 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- DANDARI District- Begusarai

1.

Ram Parvesh Mahto Son of Anup Mahto R/O Vill.- Ward no. 2, Meha, P.S.- Dandari, Dist.- Begusarai.
2.

Mithu Choudhary Son of Arjun Choudhary R/O Vill.- Ward no. 2, Meha, P.S.- Dandari, Dist.- Begusarai.

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Madan Tanti Son of Late Ramotar Tanti R/O Vill.- Ward no.2, Meha, P.S.- Dandari, Dist.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.K. Lal, Sr. Adv.
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Sandip Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6

11-04-2025

Heard Mr. S.K. Lal, learned senior counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the Informant. Perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 01.08.2024 passed by learned Exclusive Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Begusarai whereby the prayer for bail of the appellants in connection with Dandari P.S. Case No. 35 of 2024 under Sections 302/34 of the Indian Penal Code read with Section 3(1)(r)(s)/3(2)(v) of the SC/ST Act, was rejected.



3. As per prosecution case, the accusation against the accused persons including the appellants is of committing murder of the Informant's son by administering him poison.

4. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in the present case with false and frivolous allegations due to dirty village politics. The appellants have not committed any offence as alleged in the F.I.R. Learned counsel for the appellants submits that neither the Informant nor any of the persons examined by the Investigating Officer have claimed to have seen the appellants committing any overt act much less killing the deceased. From the postmortem report of the deceased, it appears that the doctor has not found any injury on the person of the deceased. As soon as the appellants came to know about their false implication in the case, they surrendered in the court whereafter the police took confessional statement of the appellants. In the confessional statement, the appellants have not supported the prosecution case as they have stated that as a matter of fact, the deceased had fallen down to the ground and became unconscious and died. Learned counsel for the appellants further submits that *Tanti* is now no more a scheduled caste and, hence, the provision of the Act is not attracted in the



present case. The appellants have no criminal antecedent and are languishing in judicial custody since 16.04.2024 without any rhymes or reason.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants, stating that the offence alleged against the appellants is serious in nature. It is further stated that the Informant in the re-statement and other witnesses have sully supported the prosecution case. Postmortem report supports the case of the prosecution. There is specific allegation against the accused persons including the appellants of committing murder of the deceased by administering poison. The F.S.L. report also confirms the presence of *Aluminium Phosphide* in the viscera which is highly poisonous and, hence, the appellants do not deserve bail.

6. Learned counsel for the State further submits that the prayer for regular bail of the co-accused Bambam Choudhary has already been rejected by this Court vide order dated 27.03.2025 passed in Cr. Appeal (SJ) No. 4601 of 2024.

7. Having heard learned counsel for the parties and taking to into account the nature and gravity of the offence alleged as also there being specific allegation against the



appellants, this Court is not inclined to grant bail to the appellants.

8. Accordingly, the appeal stands dismissed with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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