

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4422 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- FALKA District- Katihar

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Premlal Marandi Son of Late Bablu Marandi R/o Village- Srikol, P.S.- Falka,
District- Katihar

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Rupa Devi Wife of Sajan Choudhary R/o Village- Srikol, P.S.- Falka, Dis-
trict- Katihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 18-04-2025 1. Heard the parties.

2. The present appeal has been filed against the order dated 21.08.2024 passed by learned Additional District and Sessions Judge-I cum Special Judge SC / ST Act, Katihar in G.R. No. 2622 of 2024 arising out of Falka P.S. Case No. 105 of 2024 dated 19.05.2024 registered under section 363, 364, 365, 506 of the I.P.C. and section 3(2)(v) of the S.C. / S.T. Act by which the prayer for regular bail filed on behalf of the appellant has been rejected.

3. As per the prosecution case on 18.05.2024 at about 3 P.M. in the afternoon the husband of the informant had gone out of his house but did not return till night. In course of search the



informant came to know that her husband had a quarrel with one Md. Munna. It is further stated that her husband had a dispute with Md. Munna who might have kidnapped her husband due to previous dispute.

4. Learned counsel for the appellant submits that the case was initially registered under Section 363, 364, 365, 506 of the I.P.C. but in course of investigation dead body of the informant's husband was found and later on, section 302 I.P.C. was added. He further submits that during course of investigation police apprehended the appellant / Premlal Marandi and the co-accused / Mahendra Marandi, who are the nephew and son of Talamay Devi and she was having illicit relationship with the husband of the informant. He further submits that even if confessional statement of the appellant and the co-accused Mahendra Marandi is taken into account as referred in paragraph no. 23 & 25 of the case diary the appellant has not played any active role in the murder of the deceased. Except the confessional statement of the appellant and the co-accused there is no material to connect the appellant with the alleged offence. The appellant is in custody since 22.05.2024 and charge sheet has already been submitted and there is no likelihood that the appellant will abscond or tamper with the ev-



idence.

5. On the other hand, learned counsel for the respondent no. 2 vehemently opposed the prayer for bail and submits that on the basis of confessional statement of the appellant dead body has been recovered and the appellant is a part of conspiracy in the murder of informant's husband and played an active role in the same.

6. Having heard learned counsel for the parties and taking into consideration the fact that appellant is in custody for about one year since 22.05.2024, charge sheet has already been submitted and there is no likelihood that the appellant will abscond or tamper with the evidence accordingly I am inclined to grant regular bail to the appellant.

7. Accordingly the appeal is allowed and the order dated 21.08.2024 passed by learned Additional District and Sessions Judge-I cum Special Judge SC / ST, Katihar in G.R. No. 2622 of 2024 arising out of Falka P.S. Case No. 105 of 2024 is set aside.

8. Let the appellant, above named, be released on regular bail on furnishing bail bond of Rs. 10000 /- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I cum Special Judge SC / ST, Katihar in connection with Falka P.S. Case No.



105 of 2024 subject to the condition that during the trial the ap-
pellant shall remain present before the learned trial court on
each and every date and in case of default on two consecutive
dates without prior permission his bail bond shall liable to be
cancelled.

(Anil Kumar Sinha, J)

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