

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5168 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- MADHUBAN District- East Champaran

Sunil Sahani S/O Late Pramod Sahani Resident of Village- Paithaniya, P.S-
Chakia, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi W/O Indal Paswan R/O Village- Chowk Chauhani, Ward No.-
09, P.S- Garahiya O.P., Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.
	:	Mr. Nishant Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 04-12-2025 Heard learned counsel for the appellant, learned Spl.

P.P. for the State and learned counsel appearing on behalf of the

informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 19.09.2024 in A.B.P. No. 3886 of 2024 passed by
the learned Special Judge S.C./S.T. (POA) Act, East
Champaran, Motihari in connection with Madhuban (Garahiya
O.P.) P.S. Case No. 190 of 2024 registered for the offences
punishable under Sections 364 and 34 of the Indian Penal Code



as well as Sections 3(2)(v) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on 10.05.2024 at 08:00 A.M., Sunil and Satyanarayan came and took her husband with them for work, but he did not return, on query Sunil disclosed that her husband has gone somewhere. On 11.05.2024, she called on her husband's mobile but mobile was picked up by Sunil whom she recognized by voice and the call was cut, further, she complained to the Member, Zila Parishad who got the mobile of her husband returned through the brother of Sunil.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that the entire allegation hinges around suspicion.

5. Learned counsel for the informant and learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant. Learned counsel for the informant submits that from perusal of allegation as alleged in the FIR, it would manifest that the informant specifically alleges that on 10.05.2024 at 08:00 A.M., appellant along with Satyanarayan came and took her husband and he did not return back, further she called on the



mobile of her husband, the same was picked up by Sunil and subsequently the mobile of her husband was returned by the brother of Sunil to the informant on intervention of the Member, Zila Parishad, which amply demonstrates that mobile of the husband of the informant was with Sunil, as such it appears that Sunil and Satyanarayan are aware of the whereabouts of her husband but then the husband of the informant till date has not come back as such custodial interrogation of the appellant is required.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to allowed the appeal and accordingly, it is rejected.

(Satyavrat Verma, J)

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