

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4114 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- BASOPATTI District- Madhubani

Jagarnath Sah S/o- Harishchandara Sha Village- Khauna W.No-2, Ps-
Basopatti Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantut Devi Wife of Lalit Paswan Village- Khauna Tole Birata Ps-
Basopatti Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhavesh Sah
		Ms.Archna Anand
For the Respondent/s	:	Mr.Binay Krishna-Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-02-2026 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
06.08.2024 passed by the learned Special Judge SC/ST-cum-
Additional Sessions Judge-1st, Madhubani in connection with
Basopatti P. S. Case No.63 of 2024, instituted for the offences
under Sections 302 and 201 of the Indian Penal Code and
Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, whereby his prayer for grant of
anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the
appellant submits that from perusal of the office report dated



22.01.2026, it would manifest that the notice has been validly served on respondent no.2, but then, respondent no.2 despite receiving notice chooses not to appear and contest.

4. It is next submitted that appellant is a person with clean antecedent and the informant alleges that on 19.04.2024 at 2.00 A.M., she along with her mother in-law came back from a marriage and went to sleep in their respective room and in the morning, villagers informed that her mother in-law's dead body is lying in an orchard. Accordingly, she went to the place of occurrence and saw mark of injuries on head and back caused by sharp edged weapon. It is next alleged that her mother in-law was in an illicit relationship with the appellant and was pressurizing him for getting married on account of which earlier a fight had ensued, thus alleges based on suspicion that appellant committed the occurrence.

5. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant based on suspicion. It is next submitted that from perusal of the FIR, it would manifest that the name of the husband of the mother in-law of the informant is Deepak. It is further submitted that informant is not an eye witness to the occurrence and no case ever came to be instituted either by the



deceased or the informant alleging that any dispute of fight had arisen in between the appellant and the deceased. It is next submitted that during the course of investigation also no material transpired which could even remotely connect the appellant with offence except for suspicion as there is no eye witness to the occurrence. It is reiterated and submitted that the entire allegation hinges around suspicion. It is also submitted that appellant will not abscond rather will cooperate in the investigation to prove his innocence.

6. The learned Special P. P. opposes the appeal, but then, is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant after perusing the case diary that nothing transpired during the course of investigation to connect the appellant with the offence except suspicion.

7. Regard being had to the aforesaid submissions, the order dated 06.08.2024 is set-aside.

8. The appeal stands allowed.

9. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST-cum- Additional Sessions Judge-1st, Madhubani in connection with Basopatti P. S. Case No.63 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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