

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1187 of 2017

Arising Out of PS.Case No. -115 Year- 2016 Thana -LADANIA District- MADHUBANI

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1. Phulo Devi wife of Rajlal Paswan
 2. Nirmala Devi wife of Siya Ram Paswan resident of Village - Sahorba,
P.S. - Ladaniya, District - Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-05-2017

Heard learned counsel for the appellants.

The appellants seek regular bail in connection with Ladaniya P.S. Case No. 115 of 2016 (G.R.No. 2022 of 2016) registered for offences punishable under Section 302/34 of the Indian Penal Code and Section 3(II)(V) SC/ST Act.

The allegation, as per the FIR, is that the mother of the informant had gone to bring paddy straw and while returning on the way she was making complaint about stealing of her paddy straw on which the accused persons protested and thereafter one of the co-accused said to kill her by taking her caste name and the allegation against co-accused Siyaram Paswan is that he assaulted the mother of the informant with lathi and fists. There is also allegation that the blood started oozing out from the head of the



deceased. There is also allegation against these appellants that they have also assaulted.

It is submitted on behalf of the appellants that the main allegation of assault is against Siyaram Paswan. So far these two appellants are concerned, there is general and omnibus allegation and the appellants also belong to the Scheduled Caste community and as such, there is no question of application of SC/ST (Prevention of Atrocities) Act against them and furthermore they are in custody for about seven months.

Heard learned Spl.P.P. also.

Having heard both sides and in view of facts as stated above and as no case under provision of SC & ST (POA) Act is made out against the appellants and they are ladies, let the appellants, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhubani in connection with Ladaniya P.S. Case No. 115 of 2016 (G.R.No. 2022 of 2016).

With following conditions :

(i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.



(ii) The appellants will not induce any witness or tamper with the evidence.

(iii) The appellants shall co-operate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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