

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.296 of 2021**

Arising Out of PS. Case No.-388 Year-2019 Thana- SHERGHATI District- Gaya

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KAILU PAWAN @ KAILA PASWAN @ MANOJ PASWAN, S/O SRI
JAMUNA PASWAN R/O VILLAGE-PINDRA, P.S.-HUNTERGANJ,
DISTRICT-CHATRA (JHARKHAND)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. REENA DEVI, W/O LATE SHIV RATAN DAS RESIDENT OF
VILLAGE-LAGURAHA, P.S.-BARACHATTI, DISTRICT-GAYA.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Saket Gupta
For the Respondent/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-06-2021 Heard Mr. Saket Gupta, learned counsel for the

appellant and Mr. Ganesh Prasad Singh, learned Special

Public Prosecutor for the State.

This appeal is directed against the order dated

03.10.2020, passed by the learned Special Judge,

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, Gaya, in connection with Sherghati

(Dobhi) P. S. Case No. 388 of 2019, dated

21.08.2019, whereby the prayer made on behalf of the

appellant for grant of anticipatory bail for the offences



punishable under Sections 302 read with 34 of the Indian Penal Code; Section 27 of the Arms Act, 1959; and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The husband of the informant was killed and the factum of death was ascertained with the help of clothes of the deceased. The F.I.R. has been registered by the wife of the deceased naming two accused persons, namely, Satyendra Singh and Rohit Kumar Singh on whom the informant had suspicion that they could have had their hands in killing the deceased because of business dispute.

It has been submitted on behalf of the appellant that during the course of investigation, the name of the appellant transpired through some unknown source.

It has further been submitted on behalf of the appellant that he himself is a member of Scheduled



Caste community and there is no identifiable source though which the name of the appellant has transpired.

This is nothing, it has been urged on behalf of the appellant, in the case record to warrant any suspicion against the appellant with respect to the offence.

It has, therefore, been urged that no offence under any one of the provision of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out against the appellant.

Regard being had to the aforesaid facts, the appeal is allowed.

The order dated 03.10.2020, passed by the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Gaya, is set aside.

The appellant, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks



from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Gaya in connection with Sherghati (Dobhi) P. S. Case No. 388 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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