

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.626 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- IMAMGANJ District- Gaya

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1. Chinta Devi, Female, aged about 45 years, W/o Dinanath Paswan
 2. Pushpa Devi, Female, aged about 35 years, W/o Late Jawahir Paswan, both resident of Village- Loknachak, P.S.- Imamgaj, Distt- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Vilas Paswan, Son of Devan Paswan, Resident of Village- Barakala, P.S.- Kothi, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.S. Jamil Akhtar, Advocate
For the State	:	Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-03-2021 Heard learned counsel for the appellants and learned A.P.P. for the State.

The appeal is against the order dated 11.05.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Imamganj P.S. Case No.35 of 2020 for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 3 (2)(V-a) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case in brief is that the informant Ram Vilas Paswan filed written petition before police on 29.02.2020 stating therein that his brother Jawahir Paswan who was a Raj Mistri got married 15 years back with the daughter of



Dinanath Paswan whose name is Pushpa Devi. Pushpa Devi is a woman of quarrel some nature she used to quarrel with her husband for money. It is further alleged that on 28.02.2020, she called for husband to her parental house and there a quarrel took place between Jawahir Paswan and his wife Pushpa Devi. It is said that informant came to know that his brother was killed by his inlaws in their house.

Learned counsel for the appellants submits that the appellants are quite innocent and have falsely been implicated in the present case. It is submitted that no SC/ST Act is applicable against the appellants because both are the same castes and family members. It is also submitted that the informant and other witnesses are only hearsay witnesses and there is no eye witness to the occurrence. On suspicion, the appellants have been made accused in the present case. The appellants are in jail custody since 02.03.2020 and appellants have got no any criminal antecedent mentioned in paragraph-3 of the memo of appeal.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail on furnishing bail



bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Imamganj P.S. Case No.35 of 2020.

Accordingly, the order dated 11.05.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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