

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1064 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- CHANDRADIP District- Jamui

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1. Malti Devi, W/o Tilakdhari Ravidas, R/o Village- Chaurasa, P.S.- Chandradeep, District- Jamui
 2. Soni Kumari, D/o Tilakdhari Ravidas, R/o Village- Chaurasa, P.S.- Chandradeep, District- Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Bibhuti Narayan, Advocate
For the respondent no.2	:	Mr. Ajay Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 20-10-2022

Heard learned senior counsel for the appellants, learned Spl.PP for the State and learned counsel for the respondent no.2.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 16.03.2022 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Jamui, in connection with Chandradeep P.S. Case No. 16 of 2020,



registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code and Section 30(i)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the co-accused persons came to the house of informant and making a demand for some outstanding dues hurled a number of abuses and they went to the house of the appellant no. 1. Thereafter, the appellants and other co-accused persons came to the house of the informant and calling out the husband of the informant, they took him to the community hall and to the house of the appellants. Next day, the dead body of the husband of the informant was recovered and the informant alleged that the appellants and other co-accused persons have been demanding from her husband Rs. 20 lacs as extortion money and they had threatened him with death.

The learned senior counsel appearing on behalf of the appellants submits that the appellants are innocent and have been falsely implicated in this case and whole prosecution story is absurd and concocted. The appellant No. 1 is the mother of the appellant No. 2 and their entire family members have been made accused in this false case. The story of the FIR named accused persons going to the house of the appellants is mere



presumption and the real fact is that the appellants never went to the informant's house with their entire family members including the son and the daughter of the appellant no. 1 and they have been falsely named by the informant in this case. The deceased owed money to the co-accused Anil Saw from whom he used to purchase rod and cement. The appellants are nowhere involved in the alleged occurrence and the allegations against them are general and omnibus and there is no direct, indirect or circumstantial evidence which can suggest the involvement of the appellants in the alleged occurrence. There is no eye-witness to the said occurrence and there is no overt act or covert act on the part of the appellants. The appellants themselves belong to the SC category and the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not applicable against them. The appellants are ladies and the appellant no. 2 is aged about 20 years only and they deserve sympathy of this Court. The appellants are in custody since 21.02.2022. The Charge-sheet has been submitted in this case. Other co-accused persons have been granted bail by the learned trial court. The appellants are having clean antecedent.

Learned Spl.PP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for



bail made on behalf of the appellants. The learned counsel for the informant submits that the appellants came to the house of the deceased and took him with themselves. The appellants were last seen together with the deceased.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that in the postmortem report, some injuries have been mentioned, but opinion on cause of death has been reserved and viscera has been sent on chemical analysis and further considering the fact that the appellants are ladies and there appears no specific allegation against them except they were part of the gathering which came to call out the deceased and further considering the absence of any substantive material showing the involvement of the appellants in the offences as alleged and also considering the clean antecedent of the appellants as well as period of their custody along with submission of charge sheet, the appellants above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st-cum-Special Judge, Jamui in connection with Chandradeep P.S. Case No. 16 of 2020, subject to the



conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellants will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.10.2022
Transmission Date	22.10.2022

