

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2394 of 2022

Arising Out of PS. Case No.-306 Year-2021 Thana- KUDRA District- Kaimur (Bhabua)

1. Kashi Pasi @ Kashi Chaudhary S/O Late Mukund Pasi @ Bal Mukund Pasi Resident of Village- Awaraiya, P.S.- Kudra, District- Kaimur at Bhabua.
2. Bisuni Pais @ Vishnu Chaudhary S/O Baijnath Pasi @ Baijnath Chaudhary Resident of Village- Awaraiya, P.S.- Kudra, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi wife of Shiv Paswan resident of village-Ajagari,P.S-Kudra,P.O-Kudra,District-Kaimur at Bhabua

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2249 of 2022

Arising Out of PS. Case No.-306 Year-2021 Thana- KUDRA District- Kaimur (Bhabua)

Parmanand Singh Son of Late Prabhu Narayan Singh R/O Village- Awraiya, P.S.- Kudra, District- Kaimur At Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi, Wife of Shiv Paswan R/O Village- Ajgari, P.S.- Kudra, District- Kaimur At Bhabua

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2394 of 2022)

For the Appellant/s : Mr.Rajani Kant Pandey, Advocate

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

(In CRIMINAL APPEAL (SJ) No. 2249 of 2022)

For the Appellant/s : Mr.Tribhuwan Narayan, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

For the Informant : Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-12-2022

Heard learned counsels for the appellants, learned
Spl.PP for the State and learned counsel for the informant.

Let the defect (s), if any, 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 14.06.2022 passed by learned Additional District and Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Kaimur at Bhabua in connection with Kudra P.S. Case No. 306 of 2021 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the husband of the informant was working as tractor driver with the appellant Parmanand Singh for last 30 years. On the date of occurrence it is alleged that the appellants came and placed the dead body of the husband of the informant at the gate of the house of the informant. The informant further alleged that the appellants murdered her husband and put the dead body at the doors of her house.

Learned counsels for the appellants submit that the appellants are innocent and have been falsely implicated in this case. The FIR itself reveals that there was no wrongful act on



the part of the appellants otherwise no one after killing a person would take risk of bringing his dead body to his house. Nothing has come on record to show any dispute of the deceased with the appellants. During postmortem, the doctor has not find any injury upon the body of the deceased. Moreover, no opinion has been expressed regarding cause of death. It shows the death has been a natural death. The appellants Kashi Pashi and Vishuni Pashi also belong to the Scheduled Caste category and the provisions of the SC/ST (POA) Act are not applicable against these appellants. The appellants are in custody since 04.03.2022, 07.03.2022 and 25.02.2022, respectively and charge-sheet has been submitted. The appellants Kashi Pasi and Vishnu Pasi have got no criminal antecedent and appellant Parmanand Singh is accused in one case under the Excise Act.

Learned Spl.PP as well as learned counsel on behalf of the informant oppose the submission made on behalf of the appellants.

Having regard to the facts and circumstances and considering the distinct lack of material on record to show the complicity of the appellants in causing death of the husband of the informant, they are 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-1-cum-Special Judge, SC/ST (POA) Act, Kaimur at Bhabua in connection with Kudra P.S. Case No. 306 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

Rajnish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

