

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2723 of 2022

Arising Out of PS. Case No.-210 Year-2022 Thana- VAISHALI District- Vaishali

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1. Sangita Devi @ Sangeeta Devi W/O Megh Nath Sahni Resident of village- Afjalpur, P.S.- Vaishali (Belsar O.P), District- Vaishali
 2. Girja Devi W/O Jagesar Sahni Resident of village- Afjalpur, P.S.- Vaishali (Belsar O.P), District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Bechan Paswan S/O Late Devan Paswan Resident of village- Afjalpur, P.S.- vaishali (Belsar O.P.), District- Vaishali

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 3018 of 2022

Arising Out of PS. Case No.-210 Year-2022 Thana- VAISHALI District- Vaishali

Megh Nath Sahani Son of Jagesar Sahani R/O Village- Afjalpur, P.S.- Vaishali (belsar O.P.) In The District Of Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Bechan Paswan Son of Late Devan Paswan R/O Village- Afjalpur, P.S.- Vaishali (BELSAR O.P.) District - Vaishali

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2723 of 2022)

For the Appellant/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

(In CRIMINAL APPEAL (SJ) No. 3018 of 2022)

For the Appellant/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-12-2022

Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the appellants and learned Spl.P.Ps. for the State as well as learned counsel for the respondent.

The present appeal has been preferred under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 19.07.2022 for the alleged offence under Sections 147, 148, 149, 341, 323, 302, 385, 354, 504 and 506 of the I.P.C. read with Sections 3(i)(r), 3(i)(s), 3(i)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per the prosecution case, the informant has disclosed that marriage of her daughter was solemnized with one Rakesh Kumar by enticing her in Court. By this marriage, the family of Rakesh Kumar was not happy and all members used to abuse informant's daughter by taking her caste name. It has been alleged that one month back, they all assaulted informant's daughter. Upon injury the treatment was made by the informant. It has been alleged on 10.06.2022, they all killed the daughter of the informant.

Learned counsel for the appellants submits that both informant's and appellants' family are belong to same village

and the alleged marriage was inter-caste marriage of which no one was happy. Learned counsel submits that allegation of killing of one person by strangulating neck of informant's daughter by 14 named family members, it itself constitutes that F.I.R. is false. Learned counsel also submits that antecedent of appellants are clean and they are the mother-in-law and grand mother-in-law of the deceased. Learned counsel further submits that appellants No. 1 and 2 are in custody since 11.06.2022 and 25.06.2022 respectively.

Learned Spl.P.Ps. for the State opposes the prayer for bail.

Learned counsel for the respondent submits that there is direct allegation of killing the informant's daughter in the case diary and post-mortem report also indicates that death has been caused due to strangulation. From the contents of the F.I.R., it transpires that 14 persons have killed the daughter of the informant.

It appears to me improbable situation.

In the present facts and circumstances of the case and the submissions made above, let the appellants above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each

to the satisfaction of learned Special judge, SC/ST Act, Vaishali at Hajipur in connection with Vaishali (Belsar) P.S. Case No. 210 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with the following conditions:-

A. The appellants shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the appellants.

C. The appellants shall file an affidavit at the time of furnishing of bail bonds that they shall not involve in such criminal activity during the continuance of present bail bonds, violation of this condition shall be resulted into cancellation of their present bail bonds.

Accordingly, the impugned order dated 19.07.2022 passed by learned Special judge, SC/ST Act, Vaishali at Hajipur in connection with Vaishali (Belsar) P.S. Case No. 210 of 2022 lodged under Sections 147, 148, 149, 341, 323, 302, 385, 354, 504 and 506 of the I.P.C. read with Sections 3(i)(r), 3(i)(s), 3(i)

(w), 3(2) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is set aside.

With this observation, the appeal stands allowed.

(Dr. Anshuman, J)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	