

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3067 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- MAIRWAN District- Siwan

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1. Binda Devi, W/O Kishun Ram, Resident of village- Barasu, Brindawan, P.S.- Mairwa, District- Siwan.
 2. Khushbu Kumari, D/O Late Vijay Ram, Resident of village- Barasu, Brindawan, P.S.- Mairwa, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashankar Manjhi, S/O Late Srikishun Manjhi, Resident of village- Srinagar, P.S.- Mairwa, District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-10-2022

Heard learned counsel for the appellants and learned
Spl.PP for the State.

At the outset it has been submitted by the learned
counsel for the appellants that the appellants are themselves the
person of Scheduled Caste category and there would be no
application of the provisions of the SC/ST(POA) Act, 1989
against them. Hence, there will be no requirement of notice to
the informant and matter could be heard in his absence.

Having considered this fact, the matter has been put
up for hearing.

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 08.07.2022 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Siwan, in connection with Mairwa P.S. Case No. 161 of 2022, registered for the alleged offences under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, co-accused called out the son of the informant and thereafter he became traceless. Later on, the informant came to know that the appellants and other co-accused persons committed the murder of his son.

The learned counsel for the appellants submits that from the facts of the FIR it is apparent that the informant is not an eye-witness, the son of the informant was called out by co-accused Bullet Gond. There is no eye-witness to the occurrence of killing of the son of the informant. It is not clear how the informant came to know about the involvement of the appellants in this case. It has also come to the knowledge during investigation that the deceased entered into the house of one



Vijay Ram and tried to outrage the modesty of his sister and on shout being made, he was thrashed by several persons, who had assembled there. Learned counsel further submits that the falsity of the FIR is evident from the fact that all family members of the appellant including these two appellants who are ladies have been made accused in this case. During investigation it has also come that there was land dispute between the parties. Charge-sheet has been submitted in this case and the appellants are in custody since 23.04.2022. The appellants are having clean antecedent.

Learned Spl.PP. opposes the submissions made on behalf of the appellants.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears hardly any material to connect the appellants with the alleged offence and further considering the fact that the appellants are lady and are in custody for about six months along with submission of charge-sheet, the appellants above named 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 Sessions Judge-1st-cum-Special Judge, Siwan in connection



with Mairwa P.S. Case No. 161 of 2022, 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	14.10.2022
Transmission Date	14.10.2022

