

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.397 of 2023**

Arising Out of PS. Case No.-681 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

1. JYOTI DEVI W/O LATE SHATRUDHAN PASWAN
2. MANISH KUMAR S/O LATE SHATRUDHAN PASWAN
Both Resident of village- Salemabad, Fulhara, P.S.- Hajipur Sadar, District-
Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. MINTU KUMAR S/O LATE SHATRUDHAN PASWAN Resident of
village- Fulhara Manua, P.S.- Sadar Hajipur, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 21-04-2023 Heard learned counsel for the appellants, learned
counsel for the informant and learned Spl.P.P. for the State.

This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 18.10.2022 passed by the learned Special Judge (SC/ST),
Vaishali in Hajipur Sadar P.S. Case No.681 of 2022, F.I.R.
dated 28.08.2022 registered under Sections 302/34 of the Indian
Penal Code and Section 3(2)(v) (a) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



According to FIR, the informant has alleged that on 27.08.2022 at about 11.30 P.M., he got information that his father has died. Thereafter, he went to village Siraya where his father used to live with his step-mother and saw that dead body of his father was lying on the earth. It is further alleged that there was injury on his hydrocele, due to which he died. It is further alleged that accused persons named in the FIR used to assault his father.

Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. Further submits that the informant is not the eye witness of the alleged occurrence and the appellant No.1 is wife of deceased and appellant No.2 is son of the deceased and except the suspicion, no other cogent material has come during investigation against the appellants to suggest the involvement of the appellants in the present occurrence and the police, after investigation, submitted chargesheet against the appellants and the appellants are in custody since 29.08.2022.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the



FIR and they are involved in the present occurrence.

Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.681 of 2022, with the following conditions:-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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