

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2528 of 2023

Arising Out of PS. Case No.-342 Year-2021 Thana- FATEHPUR District- Gaya

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1. SUNITA DEVI wife of Dharmendra Paswan Village- Raghunathpur Ps- Fatehpur Dist-Gaya
 2. Indu Kumari wife of Nagendra Paswan Village- Raghunathpur Ps- Fatehpur Dist-Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Kumari Anupam

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 13.09.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 27.03.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Fatehpur P.S.



Case No.342 of 2021, registered 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.

4. Allegedly, the appellants and other co-accused persons stopped the motorcycle of the informant and the appellants pulled down the vehicle. It is alleged that the co-accused persons brought the father of the informant in a paddy field and all of them shot upon his father by fire arms as a result of which he died.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. She submits that there is no specific allegation against the appellants. She further submits that the specific allegation is against co-accused Nago Paswan, Sunil Paswan and Upendra Paswan to shot upon the father of the informant. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for



bail.

7. In the facts and circumstances of the case as well as considering that the appellants are ladies and there is no specific overt act against them, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Fatehpur P.S. Case No.342 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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