

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.227 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- ISLAMPUR District- Nalanda

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1. Kapil Paswan Son Of Late Prasadi Paswan Resident Of Village- Budda Nagar, Ps- Islampur, Distt- Nalanda
 2. Raju Paswan Son Of Late Krishna Paswan Resident Of Village- Budda Nagar, Ps- Islampur, Distt- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. KHUSHBOO DEVI WIFE OF UPENDRA DAS RESIDENT OF VILLAGE- BUDDA NAGAR, PS- ISLAMPUR, DISTT- NALANDA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Chandra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 02-05-2024 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellants vide order dated 30.11.2023 passed by the learned Additional Sessions Judge 6th, Biharsharif, Nalanda in connection with Islampur P.S. Case No. 462 of 2023 dated 17.08.2023 registered for the alleged offences punishable under Sections 302 read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(v) of the Scheduled Castes and



Scheduled Tribes Act.

3. As per prosecution case, The appellant and the co-accused persons are alleged to have killed the informant's husband and the dead body of her husband was thrown near the *gali* of her house after assaulting him.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the appellants. There is no allegation of abusing against the appellants and hence, no offence under the provisions of SC/ST Act is made out against the appellants. It is further submitted that the appellants have no concern with the alleged offence. The appellants are in custody since 18.08.2023. The appellants have one criminal antecedent as stated at para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 30.11.2023 passed by the learned Additional Sessions Judge 6th, Biharsharif, Nalanda in connection with Islampur P.S. Case No. 462 of 2023, is set aside against the appellants. The criminal appeal is allowed.



7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 6th, Biharsharif, Nalanda in connection with Islampur P.S. Case No. 462 of 2023.

(Chandra Prakash Singh, J)

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