

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1455 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Bandari Devi @ Chinta Devi Wife Of Subodh Paswan Resident Of Village- Nima Vajit, Ps- Rafiganj, Distt- Aurangabad,
2. Nirmala Devi Wife Of Jitendra Paswan Resident Of Village- Nima Vajit, Ps- Rafiganj, Distt- Aurangabad,
3. Suman Devi @ Suman Kumari Wife Of Nagendra Paswan @ Nagendra Kumar Resident Of Village- Nima Vajit, Ps- Rafiganj, Distt- Aurangabad, P/A- At Bhadwa Road Near Middle School, Ps- Rafiganj, Distt- Aurangabad
4. Sabita Devi @Sabita Kumari Wife Of Mantosh Paswan @ Mantosh Kumar Resident Of Village- Nima Vajit, Ps- Rafiganj, Distt- Aurangabad, P/A- At Bhadwa Road Near Middle School, Ps- Rafiganj, Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohini Kumari Son Of Suresh Paswan Resident Of Village- Nima Vajit, Ps- Rafiganj, Distt- Aurangabad,

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aman Vishal, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-12-2024 Learned counsel for the appellants filed a supplementary affidavit on behalf of the appellants in which he mentioned correct name of the informant's father i.e. "Suresh Paswan".

2. Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

3. This is an appeal under section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST



Act') against the refusal of prayer for bail vide order dated 15.02.2024, passed by learned Special Judge SC/ST-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Rafiganj P.S. Case No. 487 of 2023, registered under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of SC/ST (PoV)Act.

4. Allegedly, all the appellants along with co-accused persons came variously armed and tried to forcibly grab the land of Kailash Paswan and his co-sharer and on opposition, they brutally assaulted the informant side caused grievous injury. It is further alleged that the accused persons have abused the informant by taking her caste name.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that all the appellants themselves belongs to schedule caste as such no case of SC/ST Act is made out against the appellants. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is admitted land dispute between the parties and present case is counter blast of Rafiganj P.S. Case No. 484 of 202. He submits that there is general and



omnibus allegation levelled against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

6. However, learned Spl P.P. for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

7. Considering the facts and circumstances of the case, arguments of learned counsels for the parties and on perusal of record there is no specific overt act against the appellants, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST-cum-A.D.J., Aurangabad in connection with Rafiganj P.S. Case No. 487 of 2023, 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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