

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1696 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- PAKRIDAYAL District- East Champaran

1. Akhilesh Paswan S/O LateNageshwar Paswan R/o Village - Sisahani P.S - Pakaridayal District - East Champaran
2. Mukul Paswan @ Mukul Kumar S/O Prabhakar Paswan R/o Village - Sisahani P.S - Pakaridayal District - East Champaran
3. Rina Devi W/O kaushal Paswan R/o Village - Sisahani P.S - Pakaridayal District - East Champaran
4. Madhu Ranjan Paswan S/O Haribansh Paswan R/o Village - Sisahani P.S - Pakaridayal District - East Champaran
5. Ranjeet Paswan S/O Haribansh Paswan R/o Village - Sisahani P.S - Pakaridayal District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/O Jay Kishore R/o Village - Sisahani ward no. 15, P.S - Pakaridayal District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alka Singh, Advocate
For the Respondent/s : Ms. Reena Devi, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-09-2024 Heard learned counsel for the appellants and learned Spl.
P.P. for the State.

2. This is an appeal under under Section 14-A(2) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail *vide*



order dated 23-02-2024 passed by the Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No. 797 of 2024 in connection with Pakaridayal P.S. Case No. 280 of 2023 registered for the offences punishable under Sections 302, 307, 336, 201, 120(B) & 34 of the Indian Penal Code as well as Sections 17/25(g)/27 of the Arms Act and Sections 3(2)(va) of the SC/ST Act.

3. Prosecution case in short as emerges from the *fardbeyan* of Sunita Devi (informant) is that the sons of the informant, namely, Gaurav Kumar and Govind Kumar had gone to attend the marriage ceremony of the daughter of one Akhilesh Paswan upon invitation where her son, namely, Govind Kumar was killed on account of firing and two other persons got injured. It has been alleged that the present appellants along with other co-accused helped in concealing the dead body of the deceased wrapped with blanket in the field. The informant kept on searching the dead body of her deceased son through out the night but the accused did not tell about the said incident and the informant got to know about the dead body in the morning at the place where it was hidden. It has been further alleged that other two injured was secretly treated in the hospital.

4. Learned counsel for the appellants submits that



appellants have falsely been implicated in this case. Appellant No.1 bears one criminal antecedent while the appellant Nos. 2 to 5 claim clean antecedent. Learned counsel for the appellants submits that on the date of occurrence (13-12-2023) marriage of the daughter of appellant No.1 (Akhilesh Paswan) was fixed and on invitation, the son of the informant, namely, Gaurav Kumar and Govind Kumar had gone there and villagers, namely, Prabhakar Paswan, Bolta Nath Paswan and Bhulan Sah and Amit were firing one by one with the same gun, due to which the son of the informant, namely, Govind Kumar sustained fire arm injury on his face and fell down and other two persons were also raising alarm and they both had sustained injury. As per FIR, allegation against the appellant No.3, namely, Reena Devi is that she was cleaning the spot and allegation against other appellants is that they were covering the dead body with blanket and first dead body was concealed in the house of Haribansh Paswan, then Madhu Ranjan Paswan and Ranjeet Paswan (appellant Nos. 4 & 5) and appellant No.1 and appellant No.2 fled away with the dead body. It is submitted that specific allegation is against Prabhakar Paswan and Bolta Nath Paswan.

5. Learned S.P.P. for the State opposes the prayer for anticipatory bail of the appellants. It is submitted that the



present one is the case of murder and the appellants do not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, this Court is inclined to allow this appeal as against ***appellant No. 3, namely, Rina Devi***. Accordingly, the appeal is ***allowed*** as against ***appellant No. 3, namely, Rina Devi*** and order dated 23-02-2024 passed by Special Judge, SC/ST Act, East Champaran, Motihari is hereby set aside, as against ***appellant No. 3, namely, Rina Devi***.

7. Let the appellant No. 3 (Rina Devi), in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Pakridayal P.S. Case No. 280 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as appellant Nos. 1, 2, 4 & 5, above-named are concerned, there is specific allegation of concealing the dead body of the deceased against them, this Court is not inclined to allow anticipatory bail to appellant Nos, 1, 2, 4 & 5.



Accordingly appeal is *rejected* as against the *appellant Nos.1 ,
2, 4 & 5, above-named.*

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

