

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2308 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- MAHILA THANA District- Begusarai

1. Upendra Paswan Son Of Devnarayan Paswan Resident Of Village - Khakharua, P.S. - Bakhri, District - Begusarai
2. Palan Paswan @ Palan Son Of Mahesh Paswan Resident Of Village - Khakharua, P.S. - Bakhri, District - Begusarai
3. Rakesh Kumar Son Of Upendra Paswan Resident Of Village - Khakharua, P.S. - Bakhri, District - Begusarai
4. Satish Kumar @ Chhatish Paswan Son Of Upendra Paswan Resident Of Village - Khakharua, P.S. - Bakhri, District - Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kavita Devi Wife Of Virendra Paswan Resident Of Village And Post - Ejani, P.S. - Chhourahi, District - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arjun Prasad, Advocate
For the Respondent/s	:	Mrs. Usha Kumari I, Spl.P.P. Mr. Vinod Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-08-2024 Heard learned counsel for the appellants, learned Special P.P. for of the State and learned counsel appearing on behalf of Respondent No. 2.

2. This appeal has been filed against the order dated 21.03.2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with A.B.P. No. 548 of 2024, arising out of Mahila P.S. Case No. 29 of 2023, registered under Sections 420, 406, 341, 323, 376, 504, 506/34 of the



Indian Penal Code and Sections 3(1)(r)(s)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 10.01.2020, co-accused Chandra Shekhar Paswan, in lieu of providing job in police department, took total Rs. Ten lacs from the husband of informant and on 28.12.2022, co-accused Chandra Shekhar Paswan took informant to Patna and established physical relation with her and when informant came to the house of co-accused Chandra Shekhar, all the accused persons including these appellants abused her with caste name and committed Maarpeet with her. It is further alleged that co-accused Dilip Rai also forcibly established physical relation with informant.

4. Learned counsel for the appellants submits that from bare perusal of F.I.R., it is apparent that specific accusation of taking money and establishing physical relation is against co-accused Chandra Shekhar Paswan. So far as these appellants are concerned, they have been made accused merely because they are close relatives of co-accused Chandra Shekhar and there is no specific allegation of abuse and assault against them. It is not the case of the informant that any member of the public was



present at the time of occurrence and as such, no offence under the SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal

6. Considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, the impugned order dated 21.03.2024 is set aside. The criminal appeal is, accordingly, allowed.

7. Let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with A.B.P. No. 548 of 2024, arising out of Mahila P.S. Case No. 29 of 2023.

(Prabhat Kumar Singh, J)

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