

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3501 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- MARAUNA District- Supaul

1.

Ghurni Devi W/o Shambhu Yadav R/o vill - Kamrail, Bhagwati Tola, P.S. - Marauna, Distt. - Supaul
2.

Salita Devi W/o Seet Yadav R/o vill - Kamrail, Bhagwati Tola, P.S. - Marauna, Distt. - Supaul

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Ugranarayn Chaupal S/o Ramdev Chaupal R/o vill - Bhagwait, P.s. - Marauna, Distt. - Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ansul, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.
For the respondent no.2.	:	Mr. Hriday Narayan Harshit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3

29-10-2024

Heard Mr. Ansul, learned counsel for the appellants and the State.

2. The present appeal has been preferred under section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 03.07.2024 passed by learned Additional Sessions Judge | -cum- Special Judge (SC/ST), Supaul in RB (SC/ST)-47 of 2024 in connection with SC/ST Case No. 54 of 2024 arising out of Marauna P.S. Case No. 48 of 2024 instituted for offence under sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(2)(v),



3(2)(va) of the SC/ST Act lodged on 16.05.2024 by the informant, Ugranarayan Choupal.

3. As per the prosecution story, due to construction of Indira Awas on the land allotted by the Government, the accused persons armed variously came and assaulted the informant's side in which Vasudeo Chaupal died, Ramdev Chaupal was referred to DMCH, Dharbhanga and thereafter to the PMCH, Patna. There is allegation of injuring the other persons also.

4. Learned counsel for the appellants has taken this Court to the FIR to show that though the death has taken place, others are also injured, omnibus allegation is against all of them. Further, there is counter version to this case also.

5. Learned counsel appearing on behalf of respondent no.2 on the other hand submits that though omnibus allegation is there, the facts remains that all of them armed variously assaulted the number of persons on their side which reflects from the case itself that a person died and others were admitted to the hospital with injuries.

6. It is unfortunate that even for the construction of Indira Awas, allotted by the Government, such occurrence is/are taking place in the State of Bihar. The death has occurred and others are also injured. The role of the other accused cannot be



ignored in the assault theory, in the present case, this Court has taken note of the fact that both the appellants are ladies, they have remained in custody since 17.05.2024, it has been specifically undertaken by the counsel for the appellants that if granted relief, they shall be diligently appearing in trial.

7. In that background, this Court is inclined to extend the relief to them.

8. The order dated 03.07.2024 passed by learned Additional Sessions Judge-I cum-Special Judge (SC/ST), Supaul in RB SC/ST Case No. 54 of 2024 arising out of Marauna P.S. Case No. 48 of 2024 is set aside and the present appeal is allowed.

9. Let the appellants be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I cum Special Judge (SC/ST), Supaul, in connection with RB SC/ST Case No. 54 of 2024 arising out of Marauna P.S. Case No. 48 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show their bona fide;



(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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