

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.188 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- SHEOHAR District- Sheohar

Muskan Wife Of Raju @ Bittoo Resident Of 628 Shastri Wali Gali, Kabir Basti, Police Station - Subzi Mandi, District - North Delhi

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. ASHOK RAM SON OF KAILASH RAM RESIDENT OF WARD NO.04, PARDESHIYA, POLICE STATION - SHEOHAR, DISTRICT - SHEOHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Swami Parth Sarthy
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 28-06-2024 Heard learned counsel for the appellant, learned counsel for the informant 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 appellant vide order dated 27.07.2023 passed by the learned court of 1st Additional Sessions Judge-cum-Special Judge, Sheohar in connection with Sheohar P.S. Case No. 59 of 2023 dated 26.03.2023, registered for the alleged offences punishable under Sections 363, 302, 201 read with Section 34 of the Indian Penal Code.

3. As per prosecution case, the appellant and other



co-accused persons Pawan Sah and Aman Ram took the aunt of the informant along with her 15 month old child for sanctioning loan but she did not return. After two days, the dead body of the aunt of the informant was found in the bamboo orchard of Shalendra Singh. The 15 month- old child of the informant's aunt was still missing. It is further alleged that the husband of the deceased could disclose something about the occurrence.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The appellant is not named in the F.I.R. The name of the appellant has sprung up in the confession statement of the co-accused, Pawan Sah and Aman Ram. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The name of the appellant has sprung up in this case on the basis of confessional statement of co-accused Rais Ahmad. Similarly co-accused persons have already been granted regular bail by this Court vide order dated 09.05.2024 passed in Cr. Appeal (SJ) No. 4007/2023. The appellant is in custody since 11.04.2023. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as



well as learned counsel for the informant have opposed the prayer for bail of the appellant.

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 appellant, the impugned order dated 27.07.2023 passed by the learned court of 1st Additional Sessions Judge-cum-Special Judge, Sheohar in connection with SC/ST No. 20 of 2023 arising out of Sheohar P.S. Case No. 59 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court of 1st Additional Sessions Judge-cum-Special Judge, Sheohar in connection with Sheohar P.S. Case No. 59 of 2023.

(Chandra Prakash Singh, J)

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