

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.461 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- INDUSTRIAL AREA District- Vaishali

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1. PARMESHWAR RAY S/o Jhagru Ray R/o Village-Kunwari Buzurg, P.S.-Ganga Bridge, Dist.-Vaishali.
 2. BABLOO RAM @ BABLOO KUMAR @ BABLOO RAI S/o Parmeshwar Ray R/o Village-Kunwari Buzurg, P.S.-Ganga Bridge, Dist.-Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. SIMA DEVI W/o Vijay Chaudhary R/o Village-Hilalpur, P.S.-Industrial Area, Dist.-Vaishali

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Vasant Vikas, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-11-2025 Heard learned counsel appearing for the appellants,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 23.12.2023 passed in a case registered for the offence punishable under Sections 341, 323, 324, 325, 307, 302 and 120B of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. As per prosecution case, informant, namely Seema Devi, alleged that on 21.10.2023 at about 10 AM, her husband went to do the work of labour and at 7:30 PM, co-accused Birendra and Nagendra Ray dropped husband of informant home in an unconscious condition and on 25.10.2023, husband of informant died during course of treatment. Informant suspects that all the F.I.R. named accused persons, including these appellants, killed her husband.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Informant is not an eye witness of the alleged occurrence and appellants have falsely been implicated in this case merely on suspicion only because the deceased was working in the house of these appellants. Save and except suspicion, there is no material on record to show the complicity of these appellants in the alleged offence. There is no allegation that these appellants abused the informant or her husband by caste name and as such, no case under the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 23.12.2023 passed by the learned Exclusive Special Court, SC/ST Act, Vaishali, Hajipur in connection with A.B.P. No. 3353 of 2023 arising out of Hajipur Industrial Area P.S. Case No. 149 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Exclusive Special Court, SC/ST Act, Vaishali,
Hajipur in connection with Hajipur Industrial Area P.S. Case
No. 149 of 2023.

(Prabhat Kumar Singh, J)

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