

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2108 of 2024

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

1. Raushan Kumar Paswan @ Raushan Paswan Son Of Akhilesh Paswan Village- Sisahani, Ps- Pakaridayal, Dist- East Champaran
2. Sangita Devi @ Sabita Devi @ Sangeet Devi Wife Of Kamlesh Paswan @ Kaulesh Paswan Village- Sisahani, Ps- Pakaridayal, Dist- East Champaran
3. Abhijeet Paswan Son Of Akhilesh Paswan @ Akhalesh Paswan Village- Sisahani, Ps- Pakaridayal, Dist- East Champaran
4. Golu Paswan @ Rohit Kumar Son Of Akhilesh Paswan Village- Sisahani, Ps- Pakaridayal, Dist- East Champaran
5. Niranjana Kumar Paswan @ Niranjana Paswan Son Of Bhagnarayan Paswan Village- Sisahani, Ps- Pakaridayal, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife Of Jay Kishore Paswan Village- Sisahani, Ps- Pakaridayal, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Kumari Chandna, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 07-08-2025 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. At the outset, learned counsel for the appellants seeks permission to withdraw the present appeal as against appellant No. 5, namely, Niranjana Kumar Paswan on account of his arrest. Accordingly, the present appeal is withdrawn as against appellant No.5, namely, Niranjana Kumar Paswan.

4. 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.

5. Learned counsel for the appellants submits that appellants have falsely been implicated in this case. Appellant No.1 bears no criminal antecedent while the appellant Nos. 2 to 4 bear one criminal antecedent each. As per the prosecution, on 13.12.2023 during a marriage ceremony, accused persons allegedly fired gunshots, causing firearm injuries to Govind Kumar and others, leading to Govind's death. It is alleged that some co-accused concealed the dead body and attempted to destroy evidence. However, the FIR contains no direct allegation against the appellants under Section 302 IPC or SC/ST Act, and their implication is claimed to be due to previous enmity.

6. 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.

7. Considering the aforesaid facts, above-named are concerned, taking into account the nature and gravity of the offence as also the involvement of the appellants in the commission of the offence, this Court is not inclined to allow



anticipatory bail to appellant Nos, 1, 2, 3, & 4. Accordingly
appeal is *dismissed* as against the *appellant Nos.1 , 2, 3 & 4,*
above-named.

8. However, if the appellant Nos.1 , 2, 3 & 4, above-
named, surrender before the court below within a period of four
weeks from today and prays for regular bail, the same would be
considered by the court below in accordance with law on its
own merit without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

