

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2130 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

Paltan Paswan S/O Late Madan Paswan R/o Village- Kushhar, Ward No 01,
PS- Tariyani, Distt- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sapna Kumari W/O Late Sukesh Paswan R/o Village- Kushhar, Ward No 9,
PS- Tariyani, Distt- Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deepak Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
For the Resp No. 2	:	Mr. Rudra Pratap Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 04-09-2025 Heard learned counsel for the appellant and learned counsel for the respondent no. 2 as well as learned Special Public Prosecutor 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 vide order dated 09.05.2025 passed by the learned Additional Sessions Judge -1-cum-Special Judge, SC/ST (POA) Act, Sheohar in SC/ST No. 01 of 2025 arising out of Tariyani P.S. Case No. 187 of 2024 dated 05.10.2024 registered for the offence/s punishable u/ss 137(2) and 140(3) of the BNS and later on Charge-Sheet has been submitted u/ss 103(1), 238 and



61(2) of the BNS and sections 3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, the husband of informant Sukesh Paswan left his house on 04.10.2024 at 10 A.M. and he did not return till 05.10.2024. Then the informant inquired about her husband from her neighbours namely, Harbansh Paswan, Paltan Paswan. They told her that they saw her husband Sukesh Paswan at about 12 O'clock while they were cutting grass. They further told that Sukesh Paswan went with Upendra Sahni and Raghu Sahni who were resident of ward no. 1. Further it has been stated that the informant became aware from other persons that at the house of Raghu Sahni some scuffle took place among the informant's husband Sukesh Paswan, Upendra Sahni and Raghu Sahni and the same happened in the presence of Amitabh Bachan son of Ashok Paswan. It has been further stated that after it no one has told her that what happened with her husband Sukesh Paswan.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was



present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The appellant is not named in the FIR. The name of the appellant has sprung up on mere suspicion. There is no eyewitness to the alleged occurrence. There is general and omnibus allegation against the appellant. As per para 11 of the case diary, there is no any specific allegation against the appellant rather the specific allegation against the co-accused Upendra Sahani who was coming out of the said pond but the deceased did not come out from the said pond. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 07.10.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that the dead body of the informant's husband was found in the pond and the appellant is also involved in the scuffle with the deceased thereafter, the appellant and the co-accused persons drowned the deceased in the said pond. As per CDR report, the tower location of the appellant was found near the place of occurrence.

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 09.05.2025 passed by the learned Additional Sessions Judge -1-cum-Special Judge, SC/ST (POA) Act, Sheohar in SC/ST No. 01 of 2025 arising out of Tariyani P.S. Case No. 187 of 2024, 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 Additional Sessions Judge -1-cum-Special Judge, SC/ST (POA) Act, Sheohar in SC/ST No. 01 of 2025 arising out of Tariyani P.S. Case No. 187 of 2024, with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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