

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2640 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- BHORE District- Gopalganj

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1. Sugi Devi W/O Sant Prajapati @ Ram Parvesh Prajapati Resident of Village- Pakho Pali, P.S- Bhorey, Dist.- Gopalganj.
 2. Puja Kumari D/O Sant Prajapati @ Ram Pravesh Prajapati Resident of Village- Pakho Pali, P.S- Bhorey, Dist.- Gopalganj.
 3. Sonali Kumari @ Saloni Kumari D/O Sant Prajapati @ Ram Parvesh Prajapati Resident of Village- Pakho Pali, P.S- Bhorey, Dist.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sirjawati Devi W/O Late Nawal Kishore Gond R/O Village- Pakho Pali, P.S- Bhorey, Dist.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Smt. Urmila Kumari, Advocate Mr. Gunsagar Mahto, Advocate Mr.Dhananjay Kumar Upadhyay, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
For the Informant	:	Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 16-10-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 30.01.2025 passed by the learned Additional Sessions Judge XI cum Exclusive Special Judge, SC/ST Act, Gopalganj in



connection with Bhorey P.S. Case No. 274/2024 dated 01.11.2024 registered for the offence/s punishable u/s 191(2), 191(3), 190, 126(2), 115(2), 118(1), 117(2), 109, 103 and 351 of the B.N.S. and Sections 3(1)(r)(s) of the SC/ST Act.

3. As per the prosecution case, on 31-10-2024 at about 06:30 P.M., the informant's husband Nawal Kishore Gond her *Bhaisur* Raju Gond @ Raj Kishore Gond, the father-in-law Nakul Gond and the mother-in-law Kewala Devi went to light *diyas* at their old house. In the meantime, the accused persons named in the F.I.R. including the petitioners armed with deadly weapons, in conspiracy with each other abused by taking the caste name and attacked upon them with Lathi, Danda due to a previous land dispute. It is further alleged that Nawal Kishore Gond died and Raju Gond @ Raj Kishore Gond sustained injury on his leg, right hand, head and chest and Nakul Gond sustained injury on his head and left hand and Kewala Devi also sustained injury on her head and several parts of body.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called



by the appellants hence no case under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. The appellants are ladies. As per the Supplementary Affidavit, both the sides have sustained injury and there is a case and counter case between the parties. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 01.11.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail by submitting that it is a case of double murder. As per the post mortem report of Naval Kishore Gond, the cause of death is due to haemorrhage and shock caused by hard and blunt substance whereas the cause of death of Raj Kishore Gond is due to haemorrhage and bowel perforation caused by hard and blunt substance.

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 appellants, the impugned order dated 30.01.2025 passed by the learned Additional Sessions Judge XI cum Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Bhorey P.S. Case No. 274/2024 is set aside against the appellants. The criminal appeal is allowed.



7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XI cum Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Bhorey P.S. Case No. 274/2024.

(Chandra Prakash Singh, J)

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