

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3398 of 2024

Arising Out of PS. Case No.-272 Year-2024 Thana- SITAMARHI District- Sitamarhi

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1. Laxmi Rai @ Laxmi Kumar S/o Bindeshwar Rai R/o vill - Amghatta, ward no. 31, P.S. and Distt. - Sitamarhi
 2. Shatrughan Rai @ Shatrudhan Rai S/o Late Yodan Rai @ Shivyodhan Rai R/o vill - Amghatta, ward no. 31, P.S. and Distt. - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Marachhiya Devi W/o Shiva Paswan R/o vill - Amghatta, ward no. 31, P.S. and Distt. - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Adv.
For the Respondent/s : Mr. Usha Kumari I, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-02-2025 Heard learned counsel for the appellants and 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 24.05.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Sitamarhi in connection with Sitamarhi P.S. Case No. 272 of 2024 dated 22.04.2024 registered for the offence/s punishable u/ss 302, 201 read with Section 34 of the Indian Penal Code and Sections 3(2)(iv), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.



3. As per the prosecution case, the informant along with her son went to attend a wedding at the house of Jageshwar Paswan. She returned home and she called her son on his mobile but he could not attend the call. Thereafter, she searched him but he could not be traced. In the morning, Rajendra Paswan informed her about the dead body of her son which was lying at Railway line after cutting his neck. It is further alleged that some day ago the appellants and the co-accused persons had threatened to kill and when he went outside from the house in the night all of them found him alone and killed her son by cutting his throat and threw the dead body on the railway track.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case due to ulterior motive. The name of the appellants have transpired in this case merely on suspicion. It is further submitted that there is no eye witness to the alleged occurrence and the charge-sheet has already been submitted against the appellants. There is no allegation of abusing against the appellants and hence, no offence under the provisions of SC/ST Act is made out against the appellants. The appellant no.1 has one criminal antecedent and appellant no.2 has two criminal antecedents as stated at para 3 of the bail petition. The



appellants are in custody since 24.04.2024.

5. Learned counsel learned Spl. P.P. for the State has vehemently opposed the prayer of bail. As per para-18 of the case diary, the statement of Ajit Kumar has stated that Dheeraj Kumar was killed and placed on the railway line and cut into two pieces by a train, as if he was murdered in the field and his body was dragged to the railway line and to destroy evidence. It is further stated that the deceased was having an affair with the daughter of the appellant no.2 and he threatened to kill. As per injury report, it is mentioned that the cause of death is due to haemorrhage and shock leading to C.R. failure as a result neck injury caused by sharp edged weapon.

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 24.05.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Sitamarhi in connection with Sitamarhi P.S. Case No. 272 of 2024 is set aside against the appellant. 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-1st-cum-Special Judge, SC/ST, Sitamarhi in connection with Sitamarhi P.S. Case No. 272 of 2024, with the condition:-

(i) That the appellants are 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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