

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5549 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- PIYAR District- Muzaffarpur

Kumod Sharma @ Kamod Sharma Son of Upendra Sharma Resident of
Village - Simra Chowk @ Semra, P.S. - Piyar, District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
 2. Vinay Paswan (Informant) Son of Gango Paswan Resident of Village -
Simra Chowk @ Shrikant, P.S. - Piyar, District - Muzaffarpur
- Respondent/s

Appearance :

For the Appellant/s	:	Mr.Hari Kishore Thakur
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr. Mahendra Thakur

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant and 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
21.10.2024 passed by the learned Special Judge, SC/ST Act,
Muzaffarpur in connection with Piyar P.S. Case No. 105/2024
dated 10.06.2024 registered for the offence/s punishable u/s 302
read with Section 34 of the Indian Penal Code and Sections 3(2)
(v) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, when the informant's
daughter raised alarm in morning upon which the informant
went inside the house then he found that his wife's hands and



legs were tied and she was hanged with the help of muffler. Thereafter, the informant with the help of villagers brought her down and by that time, his wife had died. Further, the informant's daughter has stated that at around 10 o'clock in the night, Niranjana Devi called and she was shouting a lot, because the informant's wife Urmila Devi had taken money from the group and given it to Niranjana Devi. On demand, Niranjana Devi used to make excuses. The informant has alleged that Niranjana Devi, her husband Kamod Sharma and brother-in-law Niranjana Sharma in connivance with one another have killed her.

4. Learned counsel for the appellant has submitted that the appellant has 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 appellant hence no case is made out under SC/ST Act. Learned counsel has submitted that the informant was present at his house and the informant's wife and her daughter did not raise any alarm in night. As per the Post-mortem Report, the cause of death is due to asphyxia as a result of hanging. Learned counsel has submitted that the occurrence took place on 08.06.2024 and the post-mortem was done on 08.06.2024 but the seizure list was prepared on 11.06.2024 where it shows that a slipper of the petitioner was recovered from the place of occurrence. The



other co-accused person has been granted regular bail by the Co-ordinate Bench of this court vide order dated 21.09.2024 passed in Cr. Appeal (S.J) No. 3417/2024. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 21.10.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant has vehemently opposed the prayer of bail.

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 21.10.2024 passed by the learned Special Judge, SC/ST Act, Muzaffarpur in connection with Piya P.S. Case No. 105/2024 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 Special Judge, SC/ST Act, Muzaffarpur in connection with Piya P.S. Case No. 105/2024.

(Chandra Prakash Singh, J)

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