

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2608 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -SC/ST District- BHABHUA (KAIMUR)

Pankaj Kumar Paswan Son of Mithilesh Paswan Resident of Village -
Barnama, P.S. Barsali Ganj, District - Nawada.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Pandey

For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 29-11-2017 The appellant has challenged the order dated 05.06.2017 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Kaimur at Bhabu in connection with SC/ST (Bhabua) P.S. Case No. 29 of 2017, arising out of SC/ST Reg. No. 136 of 2017 instituted for the offences under Sections 420, 406, 504, 506, 467, 468, 471, 386, 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for bail of the petitioner has been rejected.

The informant was cheated and robbed of his hard earned money and was threatened of dire consequences.



During the course of investigation, it transpired that Pankaj Patel in whose name, the money was deposited by the informant on being induced on telephone, is none else but the appellant Pankaj Kumar Paswan (the petitioner).

Learned counsel appearing for the petitioner has, however, stated that appellant is absolutely innocent and has been made accused in this case on the basis of statement made by co-villagers who have definite axe to grind against him. Neither the appellant has made any demand nor any money has been given to him. It has been further argued that it is a case of mistaken identity and for no apparent reason, the appellant has been shown as Pankaj Patel who, perhaps is the main accused of this case. It has also been submitted by learned counsel for the appellant that other co-accused persons of this case viz. Sanjeet Mahto and Pankaj Kumar have been granted bail.

The appellant is in custody since 02.06.2017.

For the reasons aforesaid, the order dated 05.06.2017 is set aside.

The appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Kaimur at



Bhabua in connection with SC/ST (Bhabua) P.S. Case No. 29 of 2017, arising out of SC/ST Reg. No. 136 of 2017.

(Ashutosh Kumar, J)

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