

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.95 of 2017

Arising Out of PS.Case No. -436 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Niraj Paswan, Son of Bindeshwar Paswan, Resident of Village- Dumri,
P.S.- Sadar, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 15-02-2017 Heard learned counsel for the appellant as well as
learned Spl.PP.

On account of refusal of regular bail vide order
dated 01.12.2016 passed in connection with Muzaffarpur Sadar PS
Case No. 436/2016 by 3rd Additional Sessions Judge,
Muzaffarpur, the instant appeal has been preferred in accordance
with Section 14A of the SC/ST (POA) Act.

On account of having tractor of deceased, Santosh
dashed against one Sheela Devi for which the driver was assaulted
and further there was demand of money for treatment of Sheela
Devi whereupon, on call made by the driver, deceased Santosh
came at the place where all the accused so named including others
became enraged and further at the instance of Binod Kumar Singh,
Renu Devi and Golu Kumar, they all lifted Santosh and took him



inside the house of Sheela Devi where Santosh was assaulted with fists and slaps and during course thereof, it has been alleged that Umesh Paswan gave a Fasuli blow at the back of the head, Mahesh Paswan also gave Fasuli blow over his leg and Sunil Paswan snatched away Rs. 20,000/-

It has also been asserted that all the accused persons assaulted with brick particle over chest of Santosh which ultimately cost his life. From the order impugned, it is evident that nothing has been specified against the appellant. Furthermore, appellant happens to be under custody since 11.08.2016.

Consequent thereupon, appellant, Niraj Paswan is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge-cum-Special Judge, Muzaffarpur in Sadar PS Case No. 436/2016 (GR No. 121/2016), after setting aside the order impugned.

Consequent thereupon, instant appeal is allowed.

(Aditya Kumar Trivedi, J)

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