

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.624 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- HILSA District- Nalanda

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KANCHAN PASWAN, aged about 25 years, (M) Son of Late Jagdish Paswan Resident of Mohalla - Malsalami, P. S.- Malsalami, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra

For the Respondent/s : Mr.Usha Kumari I

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 13-03-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated **17.01.2019** passed by learned **1st Additional Sessions Judge, Nalanda at Bihar Sharif** in connection with **Hilsa P.S. Case No. 330 of 2018** registered under Sections 302, 120 (B) of the IPC and Section 3 (ii) (b) (va) of SC/ST (Prevention of Atrocities) Act and under Section 27 of the Arms Act.

Informant has alleged in her FIR that his deceased son who was driver of a tractor was married in the year 2018 with Suryamanti Devi @ Pinki Kumari and after living in her



matrimonial house for 15 days she went to her parental house and made complaint that she was suffering from pain and asked her husband to come to his *Sasural*, however, when he went there he was murdered by unknown persons and his dead body was thrown near the tube well and his belongings and motorcycle was also looted by the miscreants.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. He has no concern with the said incident and at the time of occurrence he was in Patna and even in the FIR nothing has been alleged except his name appearing in the FIR. Appellant has got no criminal antecedent and is in custody since 29.10.2018

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

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