

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1947 of 2019**

Arising Out of PS. Case No.-235 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Pradeep Paswan @ Sagar Paswan @ Sagarji Son of Surendra Prasad @
Surendra Paswan Resident of Village - Bara, P.S.- Ara- Muffasil, District-
Bhojpur (Ara)

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha
For the Respondent/s : Mrs.Usha Kumari 1

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

ORAL ORDER

3 27-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 for bail vide order
dated 15.03.2019 passed by learned Additional Sessions Judge,
Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 235
of 2018 registered under Sections 147, 148, 149, 302 & 120-B
of the Indian Penal Code, Section 27 of the Arms Act and
Section 3(i) (r) (s)/2(v-a) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

All the accused persons named in the written



report including the appellant slated the husband of the informant in the name of his caste and the appellant is said to have caught hold of his waist whereupon Nagendra Yadav resorted firing on the back of his neck and when he fell down Kanahiya Yadav resorted firing on his chest and her husband succumbed to his injury.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to animosity as the mother of the appellant lodged Ara P.S. Case No.198 of 2018 against the deceased and others. The only allegation against the appellant is of catching hold of the waist of the husband of the informant. Had the appellant caught hold the waist of the deceased the deceased would not have been gunned down from the back side rather from the front side but firing was resorted from the back side of the neck by the co-accused which rules out the complicity of the appellant in the occurrence. Appellant does not happen to be assailant of the occurrence. He has no criminal antecedent and has been languishing in custody since 01.03.2019.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 235 of 2018.

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

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

