

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2333 of 2019**

Arising Out of PS. Case No.-263 Year-2018 Thana- BUNIYAD GANJ District- Gaya

RAJA RAM PASWAN Son of Late Kali Paswan Resident of Gandhi Nagar,
Manpur, P.S.- Mufassil, District - Gaya (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 23-08-2019 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 23.04.2019 passed by learned Exclusive Special Judge,
SC/ST, Gaya in Buniyadganj P.S. Case No. 263 of 2018
registered under Section 302/34 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(v) of the SC/ST Act.

While the informant along with his brother Chunnu
Paswan and nephew Chikku Kumar was regressing to his house
on motorcycle from the market, 11 named accused persons
armed with weapon surrounded them. Accused Chavanni
assaulted on the hand of his brother by means of sword



resultantly he fell down from the motorcycle and then Tinku Singh @ Chokha resorted firing on his right temple which proved fatal while other accused persons resorted firing in the air.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He is not named in the F.I.R. As a matter of fact, title suit is pending between the named accused persons and the informant regarding the property in question. Appellant being the gotiya of the informant had tried to persuade him to settle the matter with the accused persons in the welfare of the informant and due to aforesaid reason mother and brother of the informant have falsely named the appellant in the case during the course of investigation but in the fardbeyan informant has not levelled any allegation against the appellant. Appellant has no concern with the property in question. He has no criminal antecedent. He also does not happen to be assailant. Hence he may be enlarged on bail.

On the other hand, learned Spl. PP for the State and learned counsel for the informant opposing the bail petition submitted that the appellant had extended threatening of life to the son of the informant calling him at his house two days



preceding to the occurrence over property dispute, hence he does not deserve bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Buniyadganj P.S. Case No. 263 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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