

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2803 of 2019

In
CRIMINAL MISCELLANEOUS No.34409 of 2019

Arising Out of PS. Case No.-172 Year-2014 Thana- NAVINAGAR District- Aurangabad

Virval Paswan @ Bhim Jee @ Birval Paswan Son of Sita Ram Paswan
Resident of Village - Mohar Karma, P.S.- Mali, Dist.- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nivedita Nirvikar
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

7 30-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 19.02.2019 passed by learned 1st Addl. Sessions Judge-
cum-Special Judge, SC/ST Act, Aurangabad in Navinagar P.S.
Case No. 172 of 2014 registered under Sections 364, 302 of the
Indian Penal Code, Section 27 of the Arms Act, Section 3(2)(v)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act and Section 17 of C.L.A. Act.

Co-accused Shankar Paswan along with one Raj



Kumar Singh and 8-10 unknown miscreants are said to have taken away the son of the informant from his house and committing his murder dumped his dead body in the Arhar field over dismissal of Shankar Paswan from the job of teacher in the school on the complain made by the deceased regarding procuring the said job on the false certificate.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Appellant is not named in the FIR. There is no eyewitness of the occurrence. None of the witnesses has named the appellant in the occurrence of taking the deceased from his house and committing his murder. There is no cogent incriminating material on record indicating the complicity of the appellant in the occurrence barring his confessional statement, which has no evidentiary value in the eye of law. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 03.07.2017. Co-accused Shankar Paswan has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 23.05.2016 passed in Cr. Misc. No. 6690 of 2016.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in Navinagar P.S. Case No. 172 of 2014.

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

(Prakash Chandra Jaiswal, J)

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