

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4668 of 2018

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

1. Mahesh Paswan S/o Late Ram Awadh Paswan
2. Sandhya Devi W/o Mahesh Paswan
Both are resident of Village- Chitkundi Bara, P.S. Ara Mufasil, District-
Bhojpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh, Advocate
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-01-2019 Heard learned counsel for parties.

This is an appeal under Section 14(A) (2) of SC & ST
(Prevention of Atrocities Act, 1989 against the refusal of prayer
for bail by order dated 03.11.2018 passed by learned 1st
Additional Sessions Judge, Bhojpur at Ara, in connection with
SC/ST Case No. 174 of 2018 arising out of Ara Mufassail P.S.
Case 235 of 2018 registered under Sections 147, 148, 149, 302,
120(b) and 27 Arms Act and 3(2) (v) (A)/3 (r) (s) SC/ST Act.

Informant has alleged in her written complaint that
while she was going to Primary Health Center with her deceased
husband for her treatment F.I.R. named accused surrounded her
and Lal Baboo Yadav, Sita Devi and Surendra Paswan abused



her by her caste name and Pradeep Pawan and Sagar Paswan caught hold waist of her husband and Nagendra Yadav shot by country made pistol on the back of his head and Kanhai Yadav fired from his pistol on his chest and thereafter all fled away.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. The name of appellants have been mentioned in the F.I.R. as being conspirator. There is no allegation of any overt act against them and there is previous dispute between the parties. They have no criminal antecedent and they are in custody since 17.07.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each 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) Appellants 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 Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.
- (3) If the appellants 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 appellants.

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

(S. Kumar, J)

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