

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- SC/ST District- Nalanda

SANJAY PASWAN Son of Ganauri Paswan Resident of Village -
Kachhiyawan, P.S.- Nagarnausa, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-02-2020 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 refusal of the prayer for bail by order dated 23.10.2019 in SC/ST P.S. Case No. 30 of 2019, passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with aforesaid case, registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(V)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., father of the informant died in police lock-up. The Choukidaar reported to the informant about the aforesaid fact.

Allegation is that murder was committed to the father



of the informant by the named accused who are police officials.

Submission of learned counsel for the appellant is that appellant is a Choukidaar and it is not the duty of the Choukidaar to have custody of the arrested person in the police lock-up. Appellant has been falsely implicated in this case. Further submission is that co-accused Jitendra Kumar who was also a Choukidaar has already been granted bail by this Court in Cr. Appeal (SJ) No. 4606 of 2019.

Learned counsel for the informant has opposed the prayer on the ground that case of the appellant is distinguishable as evidence has come during investigation that the victim was in the police lock-up at the police station where the appellant was putting guard against him.

Considering the fact that there is no direct material against the appellant nor the appellant is a police staff posted at the police station, hence the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully



cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Ranjeet/Gaurav

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