

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1314 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- BALIYA District- Begusarai

Mithun Paswan Son of Baleshwar Paswan @ Valeshwar Paswan Resident of
Village- Bari Ballia, Ward No.16, P.S.- Ballia, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Sinha, Adv.

For the Respondent/s : Mr. Satyendra Narayan Singh, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal under section 14A(2) of the SC and
ST (Prevention of Atrocities) Act has been preferred against the
rejection of appeal of the appellant vide order dated 29.1.2020
passed in Ballia P.S. Case No.192 of 2019 registered for offence
under sections 302 and 34 of the Indian Penal Code.

As per the allegation in the FIR, it is stated by the
informant that he had gone to Dehradun to earn his livelihood
where on 24.5.2019 he was informed about the murder of his
wife. It is stated that he started from Dehradun on 24.5.2019 and
reached his house on 26.5.2019 and saw that his wife had
sustained a number of injuries. It is further stated that after
cremation he has come to give his statement before the police.



Case diary had been called for in the instant case which has been received.

It is submitted by learned counsel for the appellant that although the F.I.R. was registered on 26.5.2019 but the name of the appellant transpired much thereafter on 8.6.2019, information from spy being the source. It is further submitted that the confessional statement of the appellant is alleged to have been recorded by the police. Besides these materials there is no other material against the appellant who has no criminal antecedent and is in custody since 9.6.2019.

The appeal is opposed by learned Special P.P. for the State who submits that the appellant has confessed his guilt and in his confession has mentioned about his relationship with the informant's wife.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the material that has transpired in course of investigation, the appellant being in custody since 9.6.2019 and grant of bail to other co-accused vide orders contained in Annexure-2 series, this Court is inclined to allow the appeal. The appellant is directed to be enlarged on bail in connection with Ballia P.S. Case No.192 of 2019 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 Special Judge, SC/ST (POA) Act, Begusarai.

The appeal stands allowed.

(Partha Sarthy, J)

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