

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1821 of 2020

Arising Out of PS. Case No.-149 Year-2019 Thana- MADHUBAN District- East Champaran

SONELAL PASWAN S/o Achhelal Paswan Resident of Village-Tasagari, P.S-
Madhuban, District-East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-12-2020 Heard learned counsel for the appellant and learned
Spl.P.P for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 9.7.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari, whereby, the prayer for bail of the appellant in connection with Madhuban P.S. Case No. 149 of 2019 registered under sections 302 and other sections of the Indian Penal Code and section 3(1)(r)(s) and 3(2)(v)(a) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR on the husband of the informant asking for his arrears of wages, it is stated that the eight named accused persons started to abuse and assault him. It is further stated that on the orders of Bishun Sah, his two sons,



namely, Sanjay Sah and Shambhu Kumar brutally assaulted him as a result of which he became unconscious. He died in course of treatment.

It is submitted by learned counsel for the appellant that the appellant is not named in the FIR and one of the FIR named accused, namely, Pramod Sah has been enlarged on bail. It is further stated that the FIR specifically named eight persons and there is specific allegation of assault on the two sons of Bishun Sah. So far as the name of the appellant is concerned, it is submitted that from perusal of the order of the learned Court below which mentions about the contents of the case diary, the name of the appellant transpired in the supplementary case diary. The investigation with respect to the appellant is complete. He has no criminal antecedent and is in custody since 29.2.2020.

The appeal is opposed by learned Spl.P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the appellant being in custody since 29.2.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 9.7.2020 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari is set aside.

The appellant is directed to be enlarged on bail in connection with Madhuban P.S. Case No. 149 of 2019 on furnishing bail bond of Rs.10,000/ with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari.

(Partha Sarthy, J)

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