

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3973 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BHUSHAN PASWAN S/o Gango Paswan R/o village- Sahuri, P.S.- Birpur,
District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4749 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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AMIT KUMAR @ BAUDHU MAHTON @ BAUDH MAHTON Son of Shri
Domi Mahton Resident of - Sahuri, P.S.- Birpur, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 3973 of 2019)

For the Appellant/s : Mr.Kapil Deo Singh

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 4749 of 2019)

For the Appellant/s : Mr.Kapil Deo Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 03-02-2020 Heard learned counsel for the parties in both the

appeals.

CRIMINAL APPEAL (SJ) No.3973 of 2019

This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 against the refusal of prayer for bail by order dated



23.07.2019 and 06.09.2019 respectively in Begusarai Muffasil P.S.Case No.161 of 2019 passed by the learned Special Judge, SC/ST Act, Begusarai, registered under Sections 147, 148, 149, 341, 323, 324,307,302,504, 506 of the Indian Penal Code and 27 of the Arms Act and Section 3(r)(s)3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant-Bhushan Paswan allegedly fired causing injury at the head of the father of the informant, as a result whereof, father of the informant died.

Learned counsel for the appellants submits that the Doctor has not opined that this was a case of firearm injury rather according to the opinion of the Doctor, the death was due to head injuries caused by hard, heavy and blunt substance.

The aforesaid medical report clearly belies the prosecution claim.

At this stage, an eye witness cannot be disbelieved. Hence, I am not inclined to enlarge appellant-Bhushan Paswan on bail. Hence, prayer is refused.

Learned Trial Court is directed to expedite the trial and conclude the same preferably within one year.

Accordingly, this appeal stands dismissed.



CRIMINAL APPEAL (SJ) No. 4749 of 2019

Appellant-Amit Kumar @ Baudhu Mahton @ Baudh Mahton is alleged to have fired, however, no injury was caused to anyone. Appellant is in custody since 12.06.2019. Investigation of the case is already complete.

Considering the aforesaid fact, let 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 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)

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