

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1408 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- DANIYAWAN District- Patna

SHYAMNANDAN PASWAN Son of Hari Nandan Paswan Resident of
Village- Marwa, Police Station- Daniyawa, District- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akhauri Kamal Kishore Sahay, Adv.,

For the Respondent/s : Mrs. Usha Kumari, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-03-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 17.12.2020 passed by learned Additional District Judge-III-cum-Special Judge, SC/ST, Patna in connection with Special Case No. 438 of 2020 arising out of Daniyawa P.S. Case No. 119 of 2020 registered under Sections 147, 148, 149, 302, 120B of the Indian Penal Code and Sections 3 (i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is of standing armed with weapons at the place of occurrence. It is stated in the FIR



that Dayanand Sao fired on the back side of Sunil Paswan.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is no allegation against him of any overt act. He submits that there is allegation upon the co-accused Dayanand Paswan who cut the throat of Sunil Paswan with Fasuli. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 24.08.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-III-cum- Special Judge, SC/ST, Patna in connection with Special Case No. 438 of 2020 arising out of Daniyawa P.S. Case No. 119 of 2020.

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

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--



