

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1385 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- ARA NAGAR District- Bhojpur

AMARJEET PASWAN @ TILLU Son of Ram Pravesh Paswan Resident of
Mohalla - Gausganj, P.S.- Arrah Town, District - Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1436 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- ARA NAGAR District- Bhojpur

Sarbjeet Paswan S/O Ram Pravesh Paswan R/O Mohalla-Gausganj, Arrah
Town, District-Bhojpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1385 of 2021)

For the Appellant/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Vipin Kumar, Adv.

For the Respondent/s : Mr. Ravindra Kumar, SPP

For the Informant : Mr. Kamal Deo Sharma, Adv.

(In CRIMINAL APPEAL (SJ) No. 1436 of 2021)

For the Appellant/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Vipin Kumar, Adv.

For the Respondent/s : Mr. Ravindra Kumar, APP

For the Informant : Mr. Kamal Deo Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 27-07-2021 Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act has
been preferred against the order dated 14.09.2020, passed by
learned Additional District Judge, 1st Bhojpur, Arrah, in SC/ST
Case No. 141 of 2020 arising out of Arrah Town P.S. Case No.



248 of 2020, whereby the appellants' prayer for regular bail has been rejected.

Prosecution case is that FIR named accused and two unknown persons have shot his son namely Mithun Paswan (deceased) near Janki Mandir. It has been alleged that one Ashish Paswan and other accused persons were demanding ransom since last 15 days and shot his son due to non fulfillment of demand.

Learned senior counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case due to the village politics. He submits that similarly situated co-accused has been granted bail by a Bench of this Court in Cr. APP (SJ) No. 2469 of 2021 on 30.06.2021. He submits that there is general and omnibus allegation levelled against the appellants. He has submitted that there is no specific allegation against the appellants. He further submits that appellant Amarjeet Paswan @ Tillu has four criminal antecedent as stated in the supplementary affidavit whereas appellant Sarbjeet Paswan has one criminal antecedent and they are languishing in judicial custody since 04.07.2020.

However, learned counsel for the informant and State oppose the prayer for bail and submits that there is specific



allegation against the appellants and they are veteran criminal.

Considering the facts and circumstances, particularly the fact that similarly circumstanced co-accused has been allowed regular bail by this Court, in my opinion, the appellants deserve grant of regular bail. Accordingly, the impugned order dated 14.09.2020 is set aside. This appeal is allowed.

Let the appellants, above-named, be released on bail on furnishing bail bonds of Rs. 20,000/-(twenty thousand) each with two sureties of the like amount, each to the satisfaction of learned Additional District Judge, 1st Bhojpur at Arrah, in SC/ST Case No. 141 of 2020 arising out of Ara P.S. Case No. 248 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellants, who will give an affidavit giving genealogy as to who he is related with the appellants. He will also undertake to inform the court if there is any change in the address of the appellants.

(II) that the appellants will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.



(III) that the appellants will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(Anjani Kumar Sharan, J)

devendra/-

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

