

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1754 of 2021**

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

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ANKIT PASWAN @ ANKIT KUMAR Son of Late Pradeep Paswan Resident
of Village- Gausganj, P.S.- Ara Town, District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr Mrityunjay Kumar, Advocate
For the S t a t e	:	Mr Binay Krishna, Special PP
For the I n f o r m a n t	:	Dr Kamal Deo Sharma, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-10-2021

Heard learned counsel for the appellant, informant as well as the learned Special Public Prosecutor (for brevity, Special PP) appearing for the State of Bihar.

2 The appellant has preferred the present Appeal under Section 14A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (for brevity, SC/ST) Act, 1989 against the refusal of his prayer for regular bail vide order dated 07.01.2021 passed by Additional Sessions Judge I, Bhojpur at Ara in a case registered under Sections 302, 387/34 of Indian Penal Code, Section 27 of Arms Act and Section 3 (2) of SC/ST Act in



connection with Ara Town Police Station (for brevity, *PS*) Case No 248 of 2020 dated 08.06.2020 (SC/ST Case No 141 of 2020).

3 This case was kept pending consideration for grant of bail as the informant had appeared and submitted that he has filed a petition for cancellation of bail granted to co-accused Chotu Yadav. The said application is Cr Misc No 35364 of 2021.

4 Dr Kamal Deo Sharma, learned counsel for the informant, by way of counter affidavit, has placed on record two applications, alleged to have been submitted before the police authorities. The same are Annexures A and A/1. The same have been relied upon to submit to this Court that he is being threatened by the accused persons.

5 On going through the two applications, it is obvious that at least one of the applications (Anexure A) neither bears any date nor any receiving. The second application is dated 09.08.2021 and appears to be a request to the police authorities for allowing him to retain his bodyguard, which has been allotted to him since before. There is no petition filed before this Court alleging that any of the accused persons, who have earlier been allowed bail, have threatened him.

6 These applications, which are submitted to the police authorities for retaining the bodyguard provided to him from



before, are, in the opinion of this Court, not relevant to the instant case.

7 It is the prosecution case that the informant has received information regarding his son being shot at. He rushed to the place where the son has allegedly disclosed the names of seven persons and two unknown who are responsible for the firing.

8 Learned counsel for the appellant submits that the post mortem report (Annexure 3) shows that the victim had sustained nine gun shot injuries. The prosecution case, to the extent that the informant first received information and, thereafter, came to the spot and then was informed by the victim, apparently appears to be highly improbable, since the victim allegedly had suffered nine gunshot injuries. The appellant has no concern with the occurrence. His implication is based on extraneous consideration. He has no criminal antecedent and is in custody since 16.06.2020, upon his surrender in the Court which also indicates *bona fide* of the petitioner. It is further submitted that co-accused Ravi Paswan, Amarjeet Paswan @ Tillu, Sarbjeet Paswan and Chotu Yadav have already been granted bail by this Court in Cr Appeal (SJ) No 1956 of 2021, Cr Appeal (SJ) No 1385 of 2021, Cr Appeal (SJ) No 1436 of 2021 and Cr Appeal (SJ) No 1324 of 2021 respectively.



9 Learned counsel for the informant as well as learned APP have opposed the prayer for bail. It is stated that the appellant has been named as one out of nine persons who fired upon the son of the informant.

10 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 07.01.2021 requires interference by this Court, which is, accordingly, set aside.

11 This appeal is allowed. The impugned order dated 07.01.2021, passed by Additional Sessions Judge I, Bhojpur, Ara in connection with Ara Town PS Case No 248 of 2020 (SC/ST Case No 141 of 2020), is set aside.

12 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Bhojpur, Ara in Ara Town PS Case No 248 of 2020 dated 08.06.2020 (SC/ST Case No 141 of 2020) subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to



inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.10.2021
Transmission Date	08.10.2021

