

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1956 of 2021

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

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Ravi Paswan S/O Dhanraj Paswan R/o village- Singahi Kala, 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. Raghwendra Pratap Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-07-2021 Heard the parties in virtual Court proceeding.

Let the defects, if any, be removed within two weeks
of the start of the physical Court.

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 vide
order dated 19.01.2021 passed by the learned Additional
Sessions Judge-I, Bhojpur at Ara, in connection with SC/ST
Case No.141 of 2020, arising out of Ara Town Police Station
Case No.248 of 2020, registered under Sections 302/387/34 of
the Indian Penal Code, Section 27 of the Arms Act and Section
3(2) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, 1989.

The FIR would reveal that the informant is not an



eyewitness of the occurrence of murder of his son, namely, Mithun Paswan; rather suspicion is against seven FIR named accused persons. The appellant is not named in the FIR.

Learned counsel for the informant opposed the prayer for bail on the ground that there is dying declaration made by the deceased and the FIR would reveal that two unknown persons were also involved in the crime alleged. The appellant was one of them.

The appellant is in custody since 08.06.2020. If the deceased was in a condition to make statement the informant must have disclosed in the FIR consistent with the statement of the deceased. Hence, in my view, there is no sufficient material against the appellant for further detention.

Considering the facts aforesaid, 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 following conditions:

- (a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.
- (b) 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.

(c) The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

Mkr./-

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