

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2545 of 2021

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

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AVINASH PASWAN @ AVINASH PASWANA Son of Late Pradeep Paswan
Resident of Mohalla - Gausganj, P.S. - Arrah Town, District - Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vipin Kumar

For the Respondent/s : Dr. Kamal Deo Sharma, Special P.P

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-08-2021

This matter is taken up for consideration through

Video Conferencing.

Heard learned counsel for the appellant and the respondent.

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 14.09.2020 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 P.S. 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.



As per prosecution case, informant has received information regarding his son being shot at. On receiving such information, he rushed to the place of occurrence where his son has allegedly disclosed names of seven persons and two unknown.

It is submitted on behalf of appellant that post mortem report indicates nine gun shot injuries and as per FIR, informant received information and thereafter he rushed to the spot and then was informed by the victim apparently appears to be highly improbable since victim allegedly had suffered nine gun shot injuries. It is further submitted that similarly and identically situated co-accused have already been granted bail by this court vide Cr. Misc. no. 1385/2021 and Cr. Misc. no. 1436/2021.

Learned counsel for the Informant opposed the prayer for bail and submitted that there is deceleration of the appellant that he is one of the assailants of the deceased.

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

Let the appellant be released on bail on furnishing bail



bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Bhojpur at Ara in SC/ST Case no. 141/2020 arising out of Ara Town P.S. Case no. 248/2020 on the following conditions.

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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