

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2469 of 2021

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

AMARJEET PASWAN Son of Krishna Paswan Resident of Village -
Gausganj Police Station - Ara Nagar, District - Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiv Prasad Gupta, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-06-2021 Heard Mr. Shiv Prasad Gupta, learned counsel for the
appellant and Mr. Binay Krishna, learned Special Public
Prosecutor appearing for the State through video conferencing.

This appeal has been preferred on behalf of the
appellant for setting aside the order dated 1.4.2021 passed by
the learned 1st Additional Sessions Judge Bhojpur at Ara,
whereby the prayer for bail of the appellant in connection with
Ara Town P.S. Case No. 248 of 2020 registered for the offences
punishable under Sections 302, 387/34 of the Indian Penal
Code, 1860, Section 27 of the Arms Act and Section 3(2) of
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, has been rejected.

The prosecution case in brief is that the informant
received information that the son of the informant has been shot



by the appellant and other FIR named accused persons, proceeded towards the place of occurrence where the son of the informant disclosed the name of seven persons and two unknown persons including the petitioner who had allegedly fired upon him.

Learned counsel for the appellant submits that the appellant has not committed any offense in the manner alleged and he has falsely been implicated in this case due to the village politics. Learned counsel further submits that the appellant has no criminal antecedent and the similarly situated co-accused person namely, Chotu Yadav has been granted bail by a co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 1324 of 2021. Learned counsel also submits that as per the First Information Report father's name of the accused Amarjeet Paswan has been mentioned as Ram Pravesh Paswan whereas the father's name of the appellant is Krishna Paswan.

On the other hand, learned counsel for the State submits that it is true that similarly situated co-accused person namely, Chotu Yadav, has been granted bail by a co-ordinate Bench of this Court.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact



that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant bail to the appellant.

Accordingly, this appeal is allowed and the order dated 1.4.2021 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 248 of 2020 is hereby set aside. The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Ara Town P.S. Case No. 248 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how his 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.

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

It is made clear that at the time of furnishing bails



bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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