

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3441 of 2021

Arising Out of PS. Case No.-461 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Gandori Paswan @ Gandori Kumar @ Suraj S/O Shivji Paswan R/O Village-
Sarahi Paswan Tola, P.S-Saharsa, District-Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satish Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 30.07.2021 passed by learned Additional Sessions Judge-III-Special Judge (SC/ST Act), Saharsa in connection with Special Case No. 60 of 2021 arising out of Saharsa Sadar P.S. Case No. 461 of 2021 registered under Sections 147, 148, 149, 341, 323, 307, 447, 429, 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, fourteen named accused persons including the appellant herein came variously armed



and kept firing indiscriminately for 22-25 minutes. It is stated that the father-in-law of the informant sustained injury in his left leg and a buffalo was also injured.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is no specific allegations against the appellant in the FIR. The allegation is general and omnibus in nature. The false implication of the appellant is because of land dispute. He submits that similarly situated co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Appeal No. 3599 of 2021 on 20.09.2021. He submits that both parties belong to the same community, therefore, no offence under SC/ST Act is made out against the appellants. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 12.06.2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the fact that there is general and omnibus allegation against the appellant, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-Special Judge (SC/ST Act), Saharsa in connection with Special Case No. 60 of 2021 arising out of Saharsa Sadar P.S. Case No. 461 of 2021.

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

(Anjani Kumar Sharan, J)

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