

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3619 of 2021**

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

1. Dinesh Paswan Son of Siyaram Paswan Resident of Sarahi (Naya Bazar) Ward No.- 04, P.S.- Saharsa, District - Saharsa.
2. Madan Paswan Son of Late Awadh Paswan Resident of Sarahi (Naya Bazar) Ward No.- 04, P.S.- Saharsa, District - Saharsa.
3. Gholat Paswan @ Sawan Kumar Paswan Son of Late Jagdish Paswan Resident of Sarahi (Naya Bazar) Ward No.- 04, P.S.- Saharsa, District - Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satish Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-11-2021 Heard learned counsel for the appellants and learned
Special P.P. 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 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-cum-Special Judge [SC/ST (POA)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 SC/ST Act.

Prosecution case, in brief, is that fourteen named accused persons including the appellants came variously armed and made firing indiscriminately for 20-25 minutes. It is alleged that the father-in-law of the informant sustained injury in his left leg and a buffalo was also injured.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the appellants belong to the same caste, therefore, SC/ST Act is not applicable against the appellants. It is submitted that there is land dispute between the parties and the appellants are in custody since 12.06.2021. The appellants were apprehended at the spot. No incriminating article has been recovered from conscious possession of the appellants. It is also submitted that similarly situated co-accused, Gandori Paswan @ Gandori Kumar @ Suraj has been granted bail by this Court vide order dated 23.11.2021, passed in Criminal Appeal (SJ) No.3441 of 2021.

Learned Special P.P. for the State opposed the prayer for bail of the appellants.

Having considered the facts aforesaid, let appellants, above named, be released on bail on furnishing bail bonds of



Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge [SC/ST (POA) 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.)

Sanjay/-

U		T	
---	--	---	--

