

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.571 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- KHAJAULI District- Madhubani

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RAMESH PASWAN, Son of Doman Paswan, Resident of Village- Chatra,
Ward No. 01, P.S.- Khajauli, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ravindra Kumar Singh
For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appeal has been filed by the appellant against the order dated 18.09.2020 by the learned Additional Sessions Judge cum Special Judge, Madhubani whereby the prayer for bail of the appellant, in connection with Khajauli P.S. Case No. 94/2020 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 302, 452, 504 and 506 of the Indian Penal Code and under Section 27 of the Arms Act and under Sections 3 (i)(r) (s)/ 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was rejected.

Prosecution case in brief is that the informant namely Lalan Paswan is that on 12.06.2020 pursuant to the earlier case lodged against one Ram Udgar Mahto he alongwith



other 12 accused persons excluding the appellant came at his place variously armed with weapons and started assaulting his father. It is further alleged that they also abused him by his caste name. It is further alleged that they his father received injuries and he was taken to Khajauli PHC from where he was referred to Madhubani Sadar Hospital and from there he was referred to DMCH where during treatment he died.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. He further submits that the informant is the eye witness of the said occurrence but, the appellant is not named in the FIR and his name transpired during investigation. There is no specific overt act against the petitioner and there is general and omnibus allegation against him. He further submits that the appellant also belongs to the Scheduled Caste and therefore, no case under Section SC/ST Act is made out against the appellant. The appellant is in custody since 25.07.2020 and has got no criminal antecedent.

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

Considering the aforesaid facts and circumstances of this case, let the appellant, above named is directed to be



released 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 learned 1st Additional Sessions Judge cum Special Judge, Madhubani, District-Madhubani in connection with G.R. No. 93/2020.

Accordingly, the order dated 18.09.2020 is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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