

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.481 of 2022

Arising Out of PS. Case No.-416 Year-2021 Thana- KATIHAR NAGAR District- Katihar

KARAN KUMAR BANSFOR @ KARAN KUMAR Son of Shiv Shankar
Bansfor @ Shishankar Paswan Resident of Mohalla- Driver Tola, P.S.-
Katihar, Town, District- Katihar.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimal Kumar
For the State	:	Mr.Usha Kumari 1(Spl. PP)
For the Informant	:	Mr. Dharmendra Paswan,

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 11-08-2022

Heard learned counsel for the appellant and learned APP
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of resumption
of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act,
1989 against the refusal of prayer for bail vide order dated
20.12.2021 passed by the learned A.D.J. Ist Cum-Special Judge,
Katihar in connection with Katihar Town P.S. Case No. 416 of
2021 registered for the alleged offences under Sections 302, 120(B)/
34 of the Indian Penal Code and Section 27 of the Arms Act and
Sections 3(2) (v) of the Scheduled Cast and Scheduled Tribes Act



and Sections 25(i-b)a, 26, 27 and 35 of the Arms Act.

As per prosecution case, FIR named co-accused persons assaulted the brother of the informant, who later on died. Subsequently, the name of the appellant came up as also being involved in the alleged occurrence.

Learned counsel for the appellant submits that there will no application of provisions of SC/ST (Prevention of Atrocities) Act as this appellant himself belongs to category of Scheduled Caste. Learned counsel further submits that the appellant was not named in the FIR and there is no material against him to show his involvement in the alleged occurrence. Even at the time of recording the restatement, the informant did not name this appellant. Later on, even when the elder brother of the informant recorded his statement, he did not name this appellant for being involved in the case. However, it appears that the appellant and some of the other co-accused were forcibly taken by the informant and other to the police station where statement of co-accused Karn Kumar Singh was recorded as confessional statement. The co-accused persons Karn Kumar Singh, Niraj Anand Paswan and Ankit Chauhan have been granted bail by Coordinate Benches of this court. Learned counsel further submits that the appellant has been made accused in this case only at the instance of the informant and his followers under threat and the confessional statement was forcibly recorded and otherwise there was no material to connect to the appellant to the



alleged occurrence. The appellant has got no criminal antecedent and he is in custody since 02.08.2021.

Learned counsel appearing on behalf of the informant as well as learned APP for the State oppose the submission made on behalf of the appellant. Learned counsel for the informant submits that the trial has progressed in this case and altogether 11 witnesses have been examined in this case and two more witness are yet to be examined. The witnesses are eye witness and they have supported the prosecution case. Learned counsel further submits that against grant of bail to some of the co-accused persons, informant has moved before the Supreme court wherein notice has been issued. Learned counsel further submits that next date fixed in the case before Supreme Court is 15.09.2022.

Perused the records.

Having regard to the facts and circumstances of the case and the submission made hereinabvoe and considering the fact that the appellant was not named in the FIR and nothing material has come up on record to show the connection of the appellant with the alleged occurrence and further considering the fact the liberty of a persons is precious and cannot be allowed to be curtailed in a casual manner, the impugned order is set aside and the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist-Cum- Special Judge,



Katihar in connection with Katihar Town P.S. Case No. 416 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

The appeal stands allowed in terms of the aforesaid order.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2022
Transmission Date	16.08.2022

