

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.473 of 2022**

Arising Out of PS. Case No.-132 Year-2021 Thana- KATRA District- Muzaffarpur

VIKRAM PASWAN @ TIPU PASWAN Son of Bimal Paswan Resident of
Village - Yajuar @ Jajuar Madiya, P.S. - Katra, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Saroj Kumar Paswan @ Saroj Kumar Son of Baleshwar Paswan Resident of
Village - Yajuar @ Jajuar Madiya, P.S. - Katra, District - Muzaffarpur.

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 28-07-2022

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
01.10.2021 passed by the learned III Additional Session Judge-cum-
Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with
Katra P.S. Case No. 132 of 2021 registered for the alleged
offences under Sections 341, 448, 452, 323, 324, 325, 326, 307,



353, 120(B), 504, 506 and 34 of the Indian Penal Code and under Sections 3(i) (r) (s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

As per prosecution case, in the back ground of enmity with the informant, the FIR named co-accused persons, Sawan Thakur and Raushan Thakur, fired upon the informant and his brother sustained fire arms injury in his abdomen and thigh.

The learned counsel for the appellant submits that no role has been assigned to appellant except that he was named in the FIR and nothing has specifically been alleged against this appellant. Only allegation against this appellant is that he along with other co-accused persons used to tell the villagers that the informant would face consequences as he got two trucks loaded with illicit liquor intercepted by the authorities. Learned counsel further submits that the appellant has no role in the entire episode of firing and he has nothing to do with the affairs of co-accused Sawan Thakur and Roshan Thakur and he has been falsely implicated in this case due to village politics on behalf of the local mukhiya. The allegation against this appellant is only general and vague. Similarly placed co-accused Chulhai Mandal has been granted bail by a Coordinate Bench vide order dated 08.02.2022 passed in Cr. Appeal (SJ) No. 4588 of 2021. Charge



sheet has been submitted in this case and the appellant is in custody since 11.08.2021

Learned APP for the State opposes the prayer for bail of the appellant submitting that they were also involved in the conspiracy the murder of informant and caused injury to the brother of the informant.

Having regard to the submission made hereinabove and considering the fact that nothing material appears to come on record showing the role of the appellant in the whole case and further considering the submission of charge sheet and period of custody of the appellant, 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 IIIrd Additional Sessions Judge-Cum-Special Judge SC/ST(POA) Act, Muzaffarpur in connection with Katra P.S. Case No. 132 of 2021, subject to the following conditions :

- (i) The bail bond of the appellant will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the appellant.



(iii) The appellant will remain present on each and every date fixed by the court below.

(iv) In case of absence for 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 impugned order is set aside and the appeal stands allowed in term of the above noted order.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.08.2022
Transmission Date	06.08.2022

