

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1578 of 2022**

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

NIRAJ ANAND PASWAN @ NIRAJ PASWAN Son of Dinesh Paswan
Resident of Village - Guard Para, P.s.- Katihar Town, Distt.- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Thakur, Advocate Mr.Nilesh Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Ansul, Advocate

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

2 18-05-2022 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

This is an appeal under section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 (hereinafter referred to as the SC/ST Act), against the refusal of prayer for bail vide order dated 25.04.2022, passed by learned Additional Sessions Judge-I-cum- Spl. Judge (SC/ST), Katihar, in connection with Katihar Town P.S. Case No.416 of 2021, registered under sections 302, 120(B)/34 of the IPC, 27 of the Arms Act and section 3(2)(v) of the SC/ST Act.

Earlier, the prayer for regular bail of the appellant was rejected by this Court vide order dated 02.03.2022 passed in Cr.



Appeal (SJ) No.4463 of 2021 with an observation to renew his prayer for bail after framing of charge.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is further submitted that charge has been framed against the appellant. This fact is also supported by Annexure-3 to this memo of appeal. Appellant has six criminal antecedent and is in custody since 06.08.2021.

Considering the observation made by this Court while rejecting the regular bail earlier, the appellant named above, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum- Spl. Judge (SC/ST), Katihar, in connection with Katihar Town P.S. Case No.416 of 2021, with the following conditions:

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

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

(Anjani Kumar Sharan, J)

pallavi/-

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

