

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1646 of 2022

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

Srikant Srivastava @ Tuntun Srivastava Son Of Late Yamuna Prasad
Srivastava R/O Village- Driver Tola, P.S. And District- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotu Paswan Son Of Late Nawal Kishore Paswan R/O Mohalla- Driver Tola, P.S. And District- Katihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1625 of 2022

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

1. Pintu Paswan @ Vijay Kumar Paswan Son Of Laxman Paswan Resident Of Village - Santoshi Chowk, Dirver Tola , P.S.- Katihar Town, Distt.- Katihar.
2. Subham Paswan @ Sanjay Kumar Paswan Son Of Laxman Paswan Resident Of Village - Santoshi Chowk, Dirver Tola , P.S.- Katihar Town, Distt.- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1693 of 2022

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

Saket Subham @ Tare Paswan S/O Sri Manoj Paswan R/O Village- Lalkothi,
P.S.- Katihar Town, District- Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1700 of 2022

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

1. Goldi Srivastava @ Prasant Srivastava Son Of Srikant Srivastava @ Tuntun Srivastava Resident Of Village - Driver Tola, P.S.- And Distt.- Katihar.
2. Vishal Hanri Son Of Sanjay Hanri Resident Of Village - Driver Tola, P.S.- And Distt.- Katihar.



... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotu Paswan Son of Late Nawal Kishore Paswan Resident of Village - Driver Tola, P.s.- and Distt.- Katihar.

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 1830 of 2022

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

Sunny Srivastav Son Of Tuntun Srivastav @ Srikant Srivastav Resident Of Village - Driver Tola, P.S.- And Distt.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotu Paswan Son of Late Nawal Kishore Paswan Resident of Village - Driver Tola, P.s.- and Distt.- Katihar.

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 1646 of 2022)
For the Appellant/s : Mr. Bhola Prasad, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP
(In CRIMINAL APPEAL (SJ) No. 1625 of 2022)
For the Appellant/s : Mr.Bimal Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP
(In CRIMINAL APPEAL (SJ) No. 1693 of 2022)
For the Appellant/s : Mr. Ajay Kr. Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.
For the Respondents : Mr.Binay Krishna, Spl. PP
Mr.Sanjay Singh, Sr. Adv.
Mr. Dharmendra Kumar Paswan, Adv.
(In CRIMINAL APPEAL (SJ) No. 1700 of 2022)
For the Appellant/s : Mr.Bhola Prasad, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl. PP
(In CRIMINAL APPEAL (SJ) No. 1830 of 2022)
For the Appellant/s : Mr.Bhola Prasad, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-08-2022 Heard learned counsel for the appellants, learned counsel

for the respondent no. 2 and learned Special Public Prosecutor for

the State.



This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 27.04.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Katihar Town P.S. Case No. 416 of 2021, registered under Sections 302, 120(B), 34 of the IPC and Sections 3(2) (v) of SC/ST Act.

Earlier prayer for bail of the appellants were rejected vide order dated 02.03.2022 passed in Cr. APP No. (SJ) No. 4463 of 2021 with analogous cases with a liberty to renew their prayer for bail after framing of charge.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that now charge has been framed against the appellants on 22.04.2022.

Learned Spl. PP for the State and learned counsel for the respondent no. 2 oppose the prayer for bail and submit that the trial is going on and only two witnesses have to be examined.

Considering the facts and circumstances of the case and the fact that the charge has already been framed against the appellants. let the above named appellants, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Katihar Town P.S. Case No. 416 of 2021, subject to the following conditions:

(I) that one of the bailors will be a close relative of the appellants, who will give an affidavit giving genealogy as to who he is related with the appellants. He will also undertake to inform the court if there is any change in the address of the appellants.

(II) that the appellants will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the appellants will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellants is implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.



(V) If the appellants threat the informant, the informant will be at liberty to file an application for cancellation of bail of the appellants.

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

(Anjani Kumar Sharan, J)

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