

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2032 of 2022**

Arising Out of PS. Case No.-553 Year-2020 Thana- ARA NAGAR District- Bhojpur

Wakil Paswan @ Okil Paswan S/o Ramjee Paswan Resident of Village-
Mubarakpur, P.S.- Krishnagarh, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamkhya Narayan Ram S/o Late Mahngu Ram R/o Gaushganj, P.S.- Ara
Town, Dist. Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sarveshwar Tiwary, Advocate.
For the Respondent/s : Mr. Sadhanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-10-2022 Learned counsel for the appellant is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Sarveshwar Tiwary learned counsel appearing
on behalf of the appellant and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the
Schedule Caste/Schedule Tribe, Prevention of Atrocities Act,
(hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 17.05.2022 passed by learned Additional
Sessions Judge- 1st , Bhojpur-cum- Spl. Cum (SC/ST) Act, Ara
Bhojpur, in connection with Ara Town P.S. case no. 553 of
2020, registered for the offences punishable under Sections 302



and 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

The Prosecution case is based on a written report filed by the informant alleging therein that on 06.11.2020 at about 12:00 am, some unknown miscreants shot dead his son. It is further alleged that the reason behind the said occurrence is that three days prior to the present occurrence, three persons had threatened his son with dire consequences.

Learned counsel for the appellant submits that the FIR has been instituted against unknown persons, however, during the course of investigation two persons, namely, Mithilesh Paswan and Vishal Singh @ Kariya Singh were apprehended and they have disclosed the name of the appellant as one of the associates. He further submitted that there is no eyewitness to the alleged occurrence and save and except the confessional statement there is no other material suggesting the complicity of the appellant in the present crime, apart from the fact that the appellant having fair antecedent. He also submitted that other co-accused persons including the co-accused who have confessed before the police and on whose confession the name of the appellant has transpired, have been allowed the privilege



of bail by learned Co-Ordinate Bench of this Court in Cr. Misc. No. 46409 of 2021, vide order dated 06.01.2022 and Cr. Misc. No. 25911 of 2021, vide order dated 27.01.2022.

On the other hand, leaned Special P.P. for the State opposed the bail application of the appellant.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement of other co-accused, there is no material on record and other co-accused persons having identical allegation have already been allowed the privilege of bail, let the appellant named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 1st , Bhojpur Ara- cum- Spl. Judge Excise Act, Ara Bhojpur, in connection with Ara Town P.S. case no. 553 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the impugned order dated 17.05.2022, is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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