

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3255 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

Sodhan Paswan S/o Late Bithal Paswan Residnet of Village- Bhelai, P.S. -
Udwantnagar, District - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nibha Devi W/o Late Sonu Paswan Residnet of Village- Bhelai, P.S. -
Udwantnagar, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hemendra Pd. Singh, Sr. Adv. Mr. Ramashray Roy, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the respondent no. 2	:	Mr. Gopal Govind Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-02-2022 Heard learned senior counsel for the appellant 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 07.04.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Bhojpur at Ara in connection with SC/ST Case No. 46 of 2021 arising out of Udwant Nagar P.S. Case No. 89 of 2021, registered under Sections 302, 201, 34 of the IPC and Sections 3(2) (va) of SC/ST Act.

Appellant is said to have committed murder of the husband of the informant.

It is submitted by learned senior counsel for the appellant that the appellant is innocent and has been falsely implicated in this case due to village politics and ulterior motives. He submits that



there is no eye witness in this case and all the witnesses are family members. He submits that there is general and omnibus allegation levelled against the appellant. He submits that no case is made out under the provision of SC/ST Act against the appellant. He submits that similarly situated co-accused has been granted bail by a Bench vide order dated 06.09.2021 passed in Cr. APP (SJ) No. 3008 of 2021. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and respondent no. 2 oppose the prayer for bail and submit that the trial is going on. He further submits that out of 7 witnesses, 4 have been examined in this case.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for bail is rejected in connection with Udwant Nagar P.S. Case No. 89 of 2021.

Accordingly, this appeal is dismissed. However, trial is directed to conclude the trial within four months.

(Anjani Kumar Sharan, J)

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