

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3281 of 2021**

Arising Out of PS. Case No.-131 Year-2020 Thana- KHAGAUL District- Patna

DEEPAK PASWAN @ TENI PASWAN Son of Mahendra Paswan Resident
of Village - Garighana, Ward No.08, P.S.- Khagaul, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binoy Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

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

3 24-03-2022 Heard learned counsel for the appellant, 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 08.07.2021, passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Patna in connection with Special Case No. 429 of 2020 arising out of Khagaul P.S. Case No. 131 of 2020, registered under Sections 323, 3341, 307 and 34 of the IPC, Section 27 of the Arms Act and Sections 3(i) (r) (s)/3 (2)(va) of SC/ST Act.

Appellant is said to have fired upon the informant by country made pistol resultantly he received injury.

It is submitted by learned counsel for the appellant that



the appellant is innocent and has not committed any offence. He further submits that appellant has eight criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 26.08.2020. It is further submitted that respondent is also having six criminal antecedent as stated in para-10 of the memo of appeal.

Learned Spl. PP for the State and opposite party no. 2 oppose the prayer for bail.

Considering the facts and circumstances of the case and the period of custody, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Patna in connection with Khagaul P.S. Case No. 131 of 2020, subject to the conditions:

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

(II) that the appellant will be well represented on each



and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his 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 his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated 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 proceeding for cancellation of bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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