

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2787 of 2022

Arising Out of PS. Case No.-301 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Badal Kumar Son of Mangal Paswan, R/o vill.- Subhash Chawk Ward No.-
24, P.S.- Begusarai Town, District – Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Chandan Paswan Son of Late Suraj Paswan, R/o Village Harekh Subhash
Nagar, Ward No.24, P.S. Nagar, District Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Adv.

For the Respondent/s : Mrs. Usha Kumari No.1, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-12-2022

Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present appeal has been preferred under
section 14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of prayer
for bail vide order dated 25.07.2022 for the alleged offence
under sections 302/34 of the Indian Penal Code read with
sections 27 of Arms Act and Section 3(2)(v) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989.

As per prosecution case, the informant is the cousin brother of the deceased who has stated that his brother was sitting near NH-31, then all of a sudden a motorcycle on which 3 persons were sitting stopped in front of his brother and made 3 fire on his brother and then fled away. Informant has identified one person who is said to be Sonu Kumar Sharma who recently settled at Calcutta. The cousin of informant suffered bullet injury in the head and after few minutes he died. Informant has disclosed the cause of this event and subsequently concluded that it is accused Sonu Kumar Sharma who has committed this offence with the help of his friend.

Learned counsel for the appellant submits that the name of appellant has figured in this case only by virtue of suspicion. He further submits that the present appellant is the cousin of the deceased as well as of informant, in the investigation the name of appellant has also figured only on the basis of suspicion, no conclusive material has been found. He also submits that appellant is in custody since 08.06.2022 and charge sheet has been filed in this case having one criminal case pending against him, in which he is on bail.

Learned Spl. P.P. for the State opposes the prayer for bail and submits that the name of appellant has figured in

this case only on the basis of suspicion.

In the present facts and circumstances of the case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai Nagar P.S. Case No. 301 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Accordingly, the impugned order dated 25.07.2022 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai Nagar P.S. Case No. 301 of 2022 lodged under sections 302/34 of the Indian Penal Code read with sections 27 of Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is set aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	