

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3909 of 2021**

Arising Out of PS. Case No.-119 Year-2020 Thana- DANIYAWAN District- Patna

Ashok Prasad @ Ashok Sao @ Ashok Kumar Son Of Chandeshwar Prasad @
Chandeshwar Sao Resident Of Village - Arai Benipur, P.S.- Daniyawar,
District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Paswan Son of Rajendra Paswan R/o-vill Madwa, P.S.-Daniyawar,
Dist-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Vijay Anand, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

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

7 02-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Though the Vakalatnama has already been filed by the
respondent no. 2 but nobody has appeared on his behalf.

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 29.06.2021, passed by
learned Additional District and Sessions Judge-III-cum-Special
Judge, SC/ST, Patna in connection with Special Case No. 438 of
2020 arising out of Daniyawar P.S. Case No. 119 of 2020,
registered under Sections 147, 148, 149, 302, 120B of the IPC,
Section 27 of the Arms Act and Sections 3(i) (r) (S)/ 3(2)(va) of



SC/ST Act.

Appellant along with other co-accused person are said to have committed murder of the brother of the informant.

It is submitted by learned counsel for the appellants that the appellant is innocent and has been falsely implicated in this case. He submits that there is specific allegation against co-accused Dayanand Paswan. He submits that there is no specific allegation against the appellant to abuse the informant and his family member by taking caste name. He further submits that appellant has two criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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, Patna in connection with Special Case No. 438 of 2020 arising out of Daniyawan P.S. Case No. 119 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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