

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.546 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- SHEOHAR District- Sheohar

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MUKESH KUMAR @ MUKESH PASWAN S/O RAM VINAY PASWAN
R/o- Ward No. 07, Village- Rejma, P.S.- Sheohar, District- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Niras Paswan Keshwar Paswan Resident of Village- Rejma Ward No.8 P.S.-
Sheohar, District- Sheohar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Lokesh Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-07-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

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

The instant appeal has been filed by the appellant
against the order dated 13.10.2022 passed by learned 1st
Additional Sessions Judge-cum-Special Judge SC/ST Act,
Sheohar whereby the prayer for bail of the appellant in
connection with Sheohar P.S. Case No. 222 of 2022 under
Sections 302,34 of the Indian Penal Code and sections 3(2)(v)
of the SC/ST Act was rejected.

As per allegation in the FIR, accused Ram Vinay



Paswan and appellant intercepted the motorcycle of the informant's father and two unknown persons started indiscriminate firing upon his father and his uncle as a result of which they received gun shot injury and died.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No one is the eye witness of the occurrence. No specific overt act is levelled against the appellant except restraining to both the parties. Specific allegation is against two unknown. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 23.02.2023 passed in Cr. Appeal (SJ) No. 3982 of 2022. Appellant has got no criminal antecedent and languishing in judicial custody since 13.07.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 13.10.2022 passed in Sheohar P.S. Case



No. 222 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sheohar P.S. Case No. 222 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Sheohar.

(Sunil Kumar Panwar, J)

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