

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.652 of 2023

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

Ramvinay Paswan Son of Nanhu Paswan Resident of Ward No.-07, Village-
Rejma, P.S.- Sheohar, District- Sheohar

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lokesh Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-08-2023 Heard learned counsel for the appellant as well as
learned Spl.P.P. for the State.

2. Learned counsel for the appellant has filed supplementary affidavit stating therein that the notice was issued to the Respondent No. 2 vide order dated 28.04.2022 and the same has been received by the cousin brother of the Respondent No. 2, namely, Narad Kumar Paswan. He further submits that the cousin brother of the Respondent No. 2 is residing along with him in the same house, therefore, the notice served upon his cousin brother be treated as validly served upon the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against



refusal of the prayer for regular bail by order dated 13.10.2022 passed by the learned Court of 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sheohar in connection with Sheohar P.S. Case No. 222 of 2022, F.I.R. dated 04.07.2022 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, this appellant along with other accused persons intercepted the bike of the father of the informant and started shooting bullets on the father and uncle of the informant but anyhow they managed to escape.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that there is no acquisition of any assault or firing attributed against the appellant rather the same has been attributed against two unknown persons who were accompanied with the appellant and other accused persons. It is apparent from the F.I.R that due to previous dispute the appellant has implicated in the present false case. He further submits that the similarly situated co-accused, namely, Chandan Paswan who was also accompanied with the present appellant has been



granted bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 23.02.2023 passed in Cr. Appeal (SJ) No. 3982 of 2022. He further submits that the police after investigation submitted the charge sheet against the appellant and the appellant is in custody since 13.07.2022.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that it appears from the F.I.R that the appellant is involved in the present crime in question and it has come during investigation that the number of witnesses have supported the prosecution version and apart from that, the appellant carries one criminal antecedent other than the present one but fairly submits that he is on bail in that case and the co-accused has also been granted bail by different Co-ordinate Bench of this Hon'ble Court.

7. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sheohar in connection with Sheohar P.S. Case No. 222 of 2022 with other following conditions:-



i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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