

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.662 of 2023**

Arising Out of PS. Case No.-120 Year-2020 Thana- KALYANPUR District- Samastipur

SHAMBHU PASWAN Son of Late Jalim Paswan R/v- Kamopur, P.S.-
Khanpur, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. SANJU DEVI Wife of Late Bhikhari Ray R/v- Kamopur, P.S.- Khanpur,
District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 05-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for regular bail by order dated 06.01.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Kalyanpur P.S. Case No. 120 of 2020, T.R. No. 1420 of 2020 registered under Sections 302, 201, 120(B) of the Indian Penal Code and Sections 3(1)(s)(r), 3(2)(va) of SC/ST Act, 1989.

As per prosecution case, on 14.06.2020 at about 8:00 P.M., husband of informant left his house alongwith his



neighbour Lal Babu Paswan but they did not return. On search in the next morning, informant and father of Lal Babu Paswan were informed that two dead bodies have been thrown in a ditch near bone mill in the village Ratwara. They reached the aforesaid place and identified the dead bodies of Bhikari Ray (husband of the informant's) and Lal Babu Paswan son of Nanhaki Paswan. It is further alleged that Ram Kalesh Ray and Shambhu Paswan got one Katha of land each registered from the husband of the informant (deceased), but they did not pay the total money and with a view to misappropriate the consideration money, the accused alongwith other killed the deceased.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and except the confessional statement of co-accused namely, Ram Kalesh Ray no other cogent material has come during investigation against the appellant. He further submits that similarly situated, co-accused, namely, Ram Sagun Ray and Ram Kalesh Rai have been granted bail by a co-ordinate Bench of this Hon'ble Court vide orders dated



07.04.2021 and 02.03.2021 passed in Cr. Appeal (SJ) No. 255 of 2021 and Cr. Appeal (SJ) No. 1119/2021. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 23.12.2023

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant.

Considering the aforesaid facts and circumstances, 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 the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Kalyanpur P.S. Case No. 120 of 2020, T.R. No. 1420 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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 has 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.

Accordingly, the impugned order dated 06.01.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

