

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.919 of 2023**

Arising Out of PS. Case No.-4 Year-2022 Thana- RAHUI District- Nalanda

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1. Pavindra Paswan Son of Nandu Paswan Resident of Village- Dihra, P.S.- Rahui, District- Nalanda
 2. Indal Paswan Son of Nagina Paswan Resident of Village- Dihra, P.S.- Rahui, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandeshwar Paswan Son of Late Brij Paswan Resident of Village- Dihra, P.S.- Rahui, District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uma Shankar Sharma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P

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

- 3 28-04-2023 Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 29.11.2022 passed by the learned Special Judge, SC/ST Nalanda in connection with Rahui P.S. Case No. 04 of 2022, F.I.R. dated 02.01.2022 registered under Sections 341, 379, 302, 34, 120B, 147, 148 and 149 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, all the accused



persons including the appellants armed with weapons have murdered the son of the informant in the background of land disputes.

Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that both the parties belong to the same caste, so there is no case made out under the SC/ST Act. He further submits that from perusal of the F.I.R. it transpires that, there is specific allegation of assault attributed against the co-accused person, namely, Shiv Paswan and there is no specific allegation of assault or overt act attributed against the appellants. He further submits that the co-accused, namely, Shiv Paswan against whom there is specific allegation of assault has been granted bail by the Co-ordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. App. (SJ) No. 3776 of 2022 and another co-accused, namely, Vikash Paswan has been granted bail by the Co-ordinate Bench of this Court vide order dated 01.09.2022 passed in Cr. App. (SJ) No. 1265 of 2022. He further submits that the police, after investigation, submitted charge sheet against the appellants. The appellants are in custody since 21.11.2022.

Learned counsel appearing on behalf of the



Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants.

Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court 3rd Additional Sessions Judge cum Special Judge SC/ST Act, Nalanda in connection with Rahui P.S. Case No. 04 of 2022, with other following conditions:-

1. Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall



take step for cancellation of bail bond of the appellants.
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 is set aside and this
appeal stands allowed.

(Rajesh Kumar Verma, J)

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