

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.778 of 2023

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

Nandu Paswan Son Of Etwari Paswan R/O Village- Dihara, P.O.- Rahui, P.S.-
Rahui, District- Nalanda

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uma Shankar Sharma
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
29.11.2022 passed by learned Special Judge, SC/ST
Act, Nalanda in connection with Rahui P.S. Case No. 04
of 2022 instituted for the offences punishable under
Sections 341, 379, 302, 34, 120B, 147, 148, 149 of
the Indian Penal Code and Sections 3(2)(V) of the
SC/ST (Prevention of Atrocities) Act whereby his prayer
for being released on bail has been rejected.

The allegation against the appellant is to



commit murder of son of the informant along with other co-accused persons in the background of land dispute.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific accusation of making assault to the deceased is against co-accused Shiv Paswan. The informant is not an eye witness to the occurrence. There is admitted land dispute between the parties. Co-accused Shiv Paswan has been granted bail by a coordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Appeal (SJ) No. 3776 of 2022. The appellant is in custody since 21.11.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated 29.11.2022 passed by learned Special Judge, SC/ST Act, Nalanda in connection with Rahui P.S. Case No. 04 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Nalanda in connection with Rahui P.S. Case No. 04 of 2022.

(Sunil Kumar Panwar, J)

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