

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.971 of 2023**

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

SONELAL PASWAN Son of Nandu Paswan R/V- 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/V- Dihra, P.S.- Rahui,
District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uma Shankar Sharma, Adv.
For the Respondent/s : Mr. Binay Krishna, SPP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 04-05-2023

1. Learned counsel appearing for the appellant and learned SPP appearing for the State are present and they are heard in respect of the prayer of bail made by the appellant in the memo of appeal.

2. The instant appeal has been filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 against the order dated 24.01.2023 passed by the Court of learned Additional District and Sessions Judge-III-cum-Special Judge SC/ST, Biharsharif, Nalanda in connection with SC/ST case No. 06/2022 arising out of Rahui P.S. Case No. 04/2022 registered for the offences punishable under Sections 341, 379, 302, 120B, 147, 148 and 149/34 of the Indian Penal Code and Section 3(2) (v) of SC/ST Act whereby and whereunder the appellant's prayer for bail was rejected.



3. The main submissions advanced by learned counsel appearing for the appellant are that as per the allegation levelled in the FIR, the co-accused Shiv Paswan was alleged to have assaulted the victim by means of iron-rod and the main allegation is against him and the appellant and co-accused persons were alleged to have surrounded the victim and caught hold the victim at the time of commission of the alleged occurrence and the said allegation is not specific against the appellant and similarly situated co-accused persons namely Pavindra Paswan and Indal Paswan have been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. App (SJ) No. 919/2023 and co-accused Nandu Paswan, who is stated to have ordered the co-accused persons to commit the alleged occurrence as per allegation levelled in the FIR, has been granted bail by another co-ordinate Bench of this Court vide order passed in Cr. APP (SJ) No. 778/2023 and the case of this appellant stands on better footing from him. Further submissions are that the appellant has fair and clean antecedent and has been languishing in jail since 24.10.2022 and both the parties belong to same caste hence, offence under SC/ST Act is not made out against the appellant and there is no specific allegation against the appellant.

4. Learned SPP appearing for the State has opposed



the bail prayer and submitted that the order impugned has been rightly passed and the appellant does not deserve to the privilege of bail.

5. Considering the above submissions and mainly the facts that the appellant has fair and clean antecedent and has been languishing in jail since 24.10.2022 and as per the FIR, the main allegation is against Shiv Paswan and the appellant is stated to have caught hold the victim with other co-accused persons at the relevant time of the commission of the alleged occurrence and also taking into account the completion of the investigation against the appellant, in my opinion the appellant deserves to the privilege of bail. Accordingly, the order impugned is hereby set aside and the appeal stands allowed and the appellant is directed to 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 Additional District and Sessions Judge-III-cum-Special Judge SC/ST, Biharsharif, Nalanda in connection with SC/ST case No. 06/2022 arising out of Rahui P.S. Case No. 04/2022.

(Shailendra Singh, J)

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