

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1993 of 2023

Arising Out of PS. Case No.-852 Year-2022 Thana- BIHTA District- Patna

Umesh Paswan Son Of Late Hardeo Paswan Resident Of Village-Kharagpur
(Kanchanpur), P.S.-Bihta, District-Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alka Singh

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 03.01.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Bihta P.S. Case no. 852 of 2022 under Sections 341, 323, 307, 302, 147, 148 and 149 of the Indian Penal Code, section 27 of the Arms Act and Sections 3(2) (v) of the SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is that they committed murder of the husband of the informant with iron rod and the reason for this occurrence is said to be previous enmity.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due previous enmity. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Nothing specific allegation has been levelled against the appellant rather the specific allegation of assault against upon the deceased is against other co-accused persons, namely, Vinay Yadav and Raifal Yadav. Nothing consistent evidence has come against this appellant. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Similarly situated other co-accused persons have already been granted bail by this Court vide order dated 24.08.2023 in Cr. APP(SJ) No. 77 of 2023 and Cr. APP(SJ) No. 823 of 2023. Moreover, the appellant is languishing in judicial custody since 31.08.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the



impugned order dated 03.01.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Bihta P.S. Case No. 852 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

Shubham/-

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

