

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1809 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- HULASGANJ District- Jehanabad

RAUSHAN PASWAN Son of Pramod Paswan Resident of Village - Inaichak
(Inayat Chak) Dahansingra, P.S.- Maker, District - Gaya, Pin Code - 824233
(Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Chitranjan Paswan Son of Late Mathura Paswan Resident of Village - Jaru,
P.S.- Hulasganj, District - Jehanabad.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3079 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- HULASGANJ District- Jehanabad

MANISH YADAV @ MANISH KUMAR S/o Akhilesh Prasad @ Akhilesh
Yadav R/o Village- Inaichak, P.S.- Mahkar, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chitranjan Paswan S/o Late Mathura Paswan Resident of Village- Jaru, P.S.-
Hulasganj, District- Jehanabad.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1809 of 2022)

For the Appellant/s : Mr. Uday Kumar



For the Respondent No-1: Mr. Sadanand Paswan
For the Respondent No-2: None
(In CRIMINAL APPEAL (SJ) No. 3079 of 2022)
For the Appellant/s : Mr. Satish Chandra
For the Respondent No-1: Mr. Binay Krishna
For the Respondent No-2: None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 11-01-2023 Despite valid service of notice, nobody is present
on behalf of the Informant/Respondent No-2.

Heard Ld. counsel for the appellants and Ld.
Special Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the
appellants on bail, impugning the order dated 27.04.2022
and 30.05.2022 passed by Ld. 1st Additional Sessions Judge,
Jehanabad, passed in Spl. SC/ST Case No. 102 of 2021
arising out of Hulasganj P.S. Case No. 54 of 2021 registered
for the offences punishable under Sections 364 and 34 of
the Indian Penal Code and later on Sections 302 and 201 of
the Indian Penal Code was subsequently added and Sections
3(i) (r) (s) and 3(2) (v) of the SC/ST Act, whereby bail has
been denied to the appellants.

The prosecution case as emerging from the FIR is



that on 08.04.2021, the son of the informant was killed by the appellants along with their associates.

Ld. counsel for the appellants submit that the appellants are innocent and have falsely been implicated in this case. They further submit that there is no specific offence has been made against the appellants as per the rules as prescribed under SC/ST Act. They also submit that other co-accused persons have already been enlarged on bail vide orders dated 19.05.2022, 19.05.2022, 01.11.2021 and 08.02.2022 passed in Cr. Appeal (SJ) No. 4764 of 2021, Cr. Appeal (SJ) No. 261 of 2022, Cr. Appeal (SJ) No.3645 of 2021 and Cr. Appeal (SJ) No. 4383 of 2021, respectively.

They further submit that the appellants have been languishing in jail since 12.04.2022 and 30.04.2022 respectively.

It has also been stated in paragraph no. 3 of the appeal that the appellants have no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellants have not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed, after framing of charge, if not already framed,** setting aside the impugned order dated 27.04.2022, passed by Ld. 1st Additional Sessions Judge, Jehanabad, and directing the appellants to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. 1st Additional Sessions Judge, Jehanabad in connection with Spl. SC/ST Case No. 102 of 2021 arising out of Hulasganj P.S. Case No. 54 of 2021 on the following conditions:

(i) The appellants will make themselves available for interrogation by a police officer/court as and when required.

(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the



police or the court whenever their presence is required.

(iii) The appellants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellants have any criminal antecedents, Ld. court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the appellants.

However, the accused persons who have already been enlarged on bail did not attend the Court on the date fixed for framing of charge, their bail bonds shall be cancelled.



Ld. counsel for the appellants is/are directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

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

