

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2426 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

=====

ANIL KUMAR PASWAN Son of Late Yugeshwar Paswan Resident of village
- Kamalpur, P.S.- Bahadurpur, District - Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shatrughan Paswan Son of Late Yogendra Paswan Resident of village -
Kamalpur Chaprar, P.S.- Bahadurpur Fekla O.P., District - Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Uttam Sahu
For the Respondent/s : Ms. Usha Kumari 1
For the Respondent No. 2 : Mr. Manish Kumar No 13

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

informant/respondent No. 2.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 25.06.2022,
passed by the Ld. Additional Sessions Judge 3rd Cum
Exclusive Special Judge SC/ST (POA) Act Darbhanga, arising
out of Darbhanga Sadar P.S. Case No. 145 of 2022,
registered for offence punishable under Sections 302, 34,
120 (B) of the I.P.C. and 27 of the Arms Act and under
Sections 3(2) (v) of SC/ST Act, whereby bail has been



denied to the appellant.

The prosecution case as emerging from the FIR is that when son of the informant was returning after participating in a panchayat, all of a sudden two or three people came there and started firing upon him due to which he died.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no allegation against the appellant for committing the alleged offence of murder. There is only statement that he was coming with the deceased on motorcycle along with Mukesh Kumar Yadav. He also submits that similar co-accused, namely, Mukesh Kumar Yadav has already been enlarged on bail by a coordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Appeal (SJ) No. 3180 of 2022.

He further submits that the appellant has been languishing in jail since 05.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.



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

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 25.06.2022, passed by the Ld. Additional Sessions Judge 3rd Cum Exclusive Special Judge SC/ST (POA) Act Darbhanga, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge 3rd Cum Exclusive Special Judge SC/ST (POA) Act Darbhanga in connection with Darbhanga Sadar P.S. Case No. 145 of 2022, on the following conditions:

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

(ii) The appellant will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant 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 him 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 appellant has any criminal antecedent, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his 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, the learned court below shall cancel the bail bond of the appellant.

learned counsel for the appellant is 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)

ramesh/-

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

