

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3475 of 2023**

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

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SANTOSH PASWAN Son of Shankar Paswan Resident of village - Allal
Patti, P.S. - Laheriasarai, Distt. - Darbhanga

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shatrughan Paswan Son of Late Yogendra Paswan Resident of village -
Kamalpur Chaprar, P.S. - Bahadrapur Feula (O.P.), Distt. - Darbhanga

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Priyanka Singh

For the Respondent/s : Ms. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-08-2023 Heard Ld. counsel for the appellant, Ld. Special
Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 23.07.2022, passed
by Ld. 3rd Additional Sessions Judge Cum Exclusive Special
Judge SC/ST (POA) Act, Darbhanga, arising out of Darbhanga
Sadar P.S. Case No. 145 of 2022, registered for the offence
punishable under Sections 302, 34 and 120(B) of the Indian
Penal Code and Section 3(2)(va) of the SC/ST (POA) Act
whereby bail has been denied to the appellant.

3. 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.

4. Ld. counsel for the appellant submits that the appellant had moved this Court earlier for regular bail vide Cr. Appeal (SJ) No. 3043 of 2022, which was rejected with an observation that if the trial is not concluded within six months, the appellant is at liberty to renew his prayer for bail.

5. He further submits that more than six months have passed since passing of the said order. Moreover, other accused persons, namely, Mukesh Kumar Yadhav and Anil Kumar Paswan have already been enlarged on bail by this Court vide orders dated 14.12.2022 and 04.01.2023 passed in Cr. Appeal (SJ). No. 3108 of 2022 and Cr. Appeal (SJ) No. 2426 of 2022, respectively.

6. Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded, **this appeal is allowed**, setting aside the impugned order dated 23.07.2022, passed by Ld. 3rd Additional Sessions Judge 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 Ld. 3rd Additional Sessions Judge 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 trial court that the appellant has criminal antecedents other than the disclosed one, Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite



his knowledge of the same.

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

7. Ld. 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)

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