

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3588 of 2023

Arising Out of PS. Case No.-681 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Subhash Paswan S/O Prabhu Paswan R/O Village- Manua Fulhara, Saraiya,
P.S- Hajipur Sadar, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mintu Kumar S/O Late Shatrudhan Paswan R/O Village- Fulhara Manua,
P.S- Sadar Hajipur, Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 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 01.07.2023 passed by learned Special Judge SC/ST, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Hajipur Sadar P.S. Case No. 681 of 2022 under Sections 302 and 34 of the Indian Penal Code and sections 3(2)(v)(a) of SC/ST Act was rejected.

3. According to FIR, the informant alleged that on 27.08.2022, he got information that his father has died. Thereafter, he went to the village Siraya where his father used



to live with his step-mother and saw that dead body of his father was lying on the earth. It is further alleged that there was injury on his private part due to which he died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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. Informant is not the eye witness of the alleged occurrence and except suspicion, there is no any cogent material has come during investigation against the 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 the co-ordinate Bench of this Court vide Annexure-2 of this petition and the case of this appellant stands on better footing to that of the co-accused persons. Moreover, he is languishing in judicial custody since 13.03.2023.

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 01.07.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Hajipur Sadar P.S. Case No. 681 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 Special Judge SC/ST, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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