

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3976 of 2023

Arising Out of PS. Case No.-622 Year-2021 Thana- BARHARA District- Bhojpur

MANISH PASWAN @ MANISH KUMAR PASWAN @ MANISH KUMAR
son of Suresh Paswan @ Suresh Ram village- Surya Nagar, Semara Ps-
Barhara Makhdumpur dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi wife of Raj Mohan Rajak Village- Phuhan Makhdumpur Ps-
Barhara Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Rajesh Kumar Singh, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 11.10.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 21.07.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Bhojpur at Ara



in connection with Barhara P.S. Case No. 622 of 2021 registered under Sections 147, 148, 149, 354A, 379, 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(w)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, when the informant along with her son went to shop for purchasing articles for *Puja*, all the accused persons including the appellant started misbehaving with her. Co-accused Vikash Singh tried to outrage the modesty of the informant and on instigation by Amit Singh, he fired upon the informant's son due to which he fell down and died on the spot.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He is not named in the FIR. He has been made accused in course of investigation. It is further submitted that from para 79 of the supplementary case diary, it is evident that petitioner was not present at the place of occurrence, as he is working in Goldenganj and on the date of occurrence, he was



present there. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as petitioner was not present at the place of occurrence, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Bhojpur at Ara in connection with Barhara P.S. Case No. 622 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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