

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3545 of 2022**

Arising Out of PS. Case No.-27 Year-2019 Thana- SONNAGAR RAIL P.S. District- Gaya

SHRAWAN SAO Son of Late Jagdish Sao Resident of Village- Ankorha, P.S.-
Khaira, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Suneshwar Paswan Son of Satyanarayan Paswan Resident of Village-
Bairaon, P.S.- Simra, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwari, Advocate
For the Respondent/s : Mr.Binay Krishna, App

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 14-03-2023 Heard learned counsel for the appellant and the
learned APP for the State.

The instant criminal appeal has been filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 18.08.2022 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Sone Nagar (Rail) P.S. Case No. 27 of 2019, registered for the offences punishable under Sections 302/120(B)/201/341 of the Indian Penal Code and Section 3(2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellant's prayer for bail was rejected.



At the outset, it is submitted by learned APP appearing for the State that in compliance with the direction given on 17.11.2022, the respondent no.2 has been informed through the Superintendent of Police, Aurangabad but today he is not present. It is submitted by learned counsel for the appellant that before the trial court, the respondent no.2 also did not appear despite several attempts made by trial court which shows that the respondent is not interested in appearing in this case.

The main submissions advanced by learned counsel for the appellant are that the alleged occurrence is stated to have taken place on 18.05.2019 but the FIR was lodged on 04.06.2019 after 17 days from the alleged date of occurrence and initially on 19.05.2019 the father of the victim had lodged UD case bearing No.20 of 2019 and after that, the FIR of the instant matter was lodged with malicious intention and with a new story and the appellant has been languishing in jail since 24.07.2022 having fair and clean antecedent and during investigation, no one claimed to have seen the appellant and co-accused persons killing the victim and the informant simply stated that on the occasion of marriage ceremony, some altercation took place between the victim and the accused



persons and moreover similarly situated co-accused persons, namely, Raushan Kumar, Mukesh Chaudhary @ Mukesh Kumar, Birendra Sao and Ravindra Sao have been granted bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos.25606 of 2020, 67707 of 2019 and 7819 of 2022 respectively and against the appellant investigation has been completed.

Learned APP appearing for the State has opposed the bail prayer of the appellant and submitted that the order impugned has been rightly passed and the prayer for bail made by the appellant before the court below has been rightly rejected by the order impugned.

Considering the above submissions and mainly the custody period of the appellant and also the facts that similarly situated co-accused persons named above have been granted the privilege of bail by different co-ordinate Benches of this Court and the appellant has been languishing in jail since 24.07.2022 and against him, the investigation has been completed and during the investigation, no witness examined by the investigating officer claimed to have seen this appellant being involved in killing the victim, in my opinion, it is a fit case for bail to the appellant. Hence, order impugned is set aside and his



prayer stands allowed and the appellant is directed to be released on bail on furnishing of bail bond of Rs.10,000/- each with two sureties of like amount each to the satisfaction of the concerned Court, in connection with Sone Nagar (Rail) P.S. Case No. 27 of 2019.

(Shailendra Singh, J)

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