

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4298 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- SHEOHAR District- Sheohar

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Basant Kumar Pandey @ Basant Pandey Son Of Late Uma Kant Pandey @
Baua Kant Pandey Resident Of Village - Rezama, P.S.- Sheohar, District -
Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Niras Paswan Son of Keshwar Paswan Resident of village - Rejma, Ward
No.- 8, P.S.- Sheohar, District - Sheohar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs.Vaishnavi Singh Mr. Ajay Kumar Thakur, Sr. Adv Mr. Ritwik Thakur
For the Respondent/s	:	Mrs.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 24-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 17.10.2022 passed by learned Additional District and Sessions Judge 1st cum Special Judge, SC/ST, Sheohar whereby the prayer for bail of the appellant in connection with Sheohar P.S. Case no. 222 of 2022 under Section 302 and 34 of the Indian Penal Code, section 27 of the Arms Act and Sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, accused Ram Binay Paswan and other co-accused intercepted the motorcycle of the



informant's father and two unknown persons started indiscriminate firing upon his father and his uncle as a result of which they received gun shot injury and died. It is further alleged that the allegation against this appellant is that he tried to stop the motorcycle of the informant but he along with his brother somehow escaped.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. 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. The appellant has no intention to disgrace the image of the informant in public view. It is further submitted that no any specific overt act of firing against the appellant rather the only allegation against this appellant is to stop the motorcycle of the informant. Specific allegation of firing due to which both the family members of the informant died is against two unknown persons. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 23.02.2023. in Cr. Appeal(SJ) No. 3982 of 2022. Moreover, the appellant is languishing in judicial custody since 07.07.2022.

The appeal for bail is opposed by learned Spl. P.P. for



the State.

Having heard learned counsel for the parties and considering the custody of the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 17.10.2022 passed in Sheohar P.S. Case No. 222 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sheohar P.S. Case No. 222 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 Additional District and Sessions Judge 1st cum Special Judge, SC/ST, Sheohar.

(Sunil Kumar Panwar, J)

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