

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1936 of 2024

Arising Out of PS. Case No.-119 Year-2020 Thana- DANIYAWAN District- Patna

Dayanand Paswan @ Dayanand Paswa S/o Ramashish Paswan R/o Village-
Faridpur, P.S. Daniyawa, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Paswan S/o Rajendra Paswan R/o Mandwa, P.s. - Daniyawan,
Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2024 Heard Ld. counsel for the appellant and Ld. APP for
the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 22.03.2024, passed by Ld. Exclusive Special Court (SC & ST Act), Patna, in connection with special Case No. 438 of 2020 (arising out of Daniyawa P.S. Case No. 119 of 2020, registered for the offences punishable under Sections Sections 147, 148, 149, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s) / 3 (2)(va) of the SC/ST Act., whereby bail has been denied to the appellant.

3. The prosecution case as emerges from the FIR is



that on 06.08.2020 at about 04:30 pm, when the informant and his brothers were returning home on motorcycle, all of a sudden the Accused persons stopped the motorcycle and started assaulting Sunil Paswan and took him to a field where the Accused person *slit* his throat by hasuli.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the Appellant has moved this Court earlier for bail vide Cr. Appeal (SJ). No. 3768 of 2022 for his enlargement on bail. However, the Appeal was dismissed with an observation that in case of failure of the Trial Court to conclude the Trial within a period of one year, the Appellant would be at liberty to renew his prayer for bail. From perusal of the impugned order dated 22.03.2024, passed by Ld. Special Court, SC/ST Act, it transpires that the trial has not yet been concluded despite passage of the stipulated time.

5. He further submits that the appellant has been languishing in jail since 24.08.2020.

6. It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in two other cases.

7. However, Ld. Special Public Prosecutor for the



State vehemently oppose the prayer of the appellant for bail.

8. Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 22.03.2024, passed by Ld. Ld. Exclusive Special Court (SC & ST Act), and directing the appellant to be enlarged 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. Ld. Exclusive Special Court (SC & ST Act), Patna, in connection with special Case No. 438 of 2020 (arising out of Daniyawa P.S. Case No. 119 of 2020 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 get hampered 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.

(Jitendra Kumar, J)

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