

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2191 of 2024

Arising Out of PS. Case No.-640 Year-2023 Thana- SAHAYAK NAGAR District- Katihar

Sanjit Kumar Paswan @ Black Sanjeet Paswan Son Of Late Gambhir Paswan
Village- Laliyahi Ward No. 10, Ps- Sahayak, Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Sagar Paswan Son Of Late Bideshi Paswan Village- Laliyahi Ward No. 10, Ps- Sahayak, Dist- Katihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Rajendra Prasad Sah
For the Respondent	:	Mr.Abhay Kumar
For the Informant	:	Mr. Anshuman Jaipuriya

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 3 18-07-2024 Heard learned counsel for the appellant and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. 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 bail *vide* order dated 15.04.2024 passed by the learned ADJ-1 Cum- Special Judge, SC/ST Act, Katihar in connection with G.R. 5144/2023 (arising out of Katihar Sahayak P.S. Case No. 640/2023) dated 29.08.2023 registered for the offence/s punishable u/s 364/34 of the Indian Penal Code Subsequently u/s 302, 201, 120B of the IPC and Sections 25(1-b)(a), 26, 35 and 27 of the Arms Act and



Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, on 27.08.2023 at about 2 P.M., the informant's son went away from his house and when he did not reach at 7:30 P.M., the informant again called him by mobile phone on which he replied that he is with Banti Kumar Singh and Black Sanjeet Paswan at Ranighat dam and he will come at 8:30 P.M. When the informant called his son again, his son did not receive the call and on the next day his mobile phone was switched off. Further on search, the informant received information that his son was last seen with Banti Kumar Singh and Black Sanjeet Paswan at Ranighat dam. Thereafter, the informant alleged that Banti Kumar Singh, Black Sanjeet Paswan, N.K. and Kunwar abducted his son for murder.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. Learned counsel has further submitted that, in the confessional statement of the co-accused Banti Kumar Singh, he has stated that he himself committed the murder of the informant's son and he has further stated that the appellant has helped him in hiding the dead body of the deceased. The



appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 02.09.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 15.04.2024 passed by the learned ADJ-1 Cum- Special Judge, SC/ST Act, Katihar in connection with G.R. 5144/2023 (arising out of Katihar Sahayak P.S. Case No. 640/2023) is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-1 Cum- Special Judge, SC/ST Act, Katihar in connection with G.R. 5144/2023 (arising out of Katihar Sahayak P.S. Case No. 640/2023).

(Chandra Prakash Singh, J)

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