

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3171 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. Pradip Paswan @ Pradip Kumar @ Pradip Kumas son of Late Panchu Paswan Village- Itahri Ps- Murliganj Dist- Madhepura
2. Arvind Paswan @ Arvindra Kumar @ Arvind Kumar son of Dev Narayan Paswan Village- laxmipur Chandi Asthan Ps- Kumarkhand Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhash Kumar Paswan son of Late Manik Chandra Paswan Village- Laxmipur Chandi Asthan W.No-7, Ps- Kumarkhand Dist- madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 23-08-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Notice has already been issued through registered post but no one appears on behalf of the Opposite Party No.2.

2. The instant appeal has been filed by the appellants against the orders dated 18.06.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST) Act, Muzaffarpur in connection with Kumarkhand P.S. Case No. 338 of 2023 registered under Sections 302 and 120B/34 of IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for bail of the



appellants was rejected.

4. As per the allegation, it is alleged that in the FIR, four unknown persons killed the father of the informant by gun shot injuries

5. It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in this case. He next submits that they have 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 them. Nothing specific allegation has been levelled against the appellants. He next submits that the informant is not an eye witness of the said occurrence. Appellants are in jail custody since 27.05.2024 and he has got clean antecedent as stated in para-3 of the petition and co-accused persons already granted bail by this court in Cr.App (SJ) nos. 5706 of 2023, 47 of 2024 and 415 of 2024 vide order dated 23.05.2024, 25.04.2024 and 23.05.2024.

6. The appeal for bail is opposed by learned Spl. P.P. for the State.

7. On perusal of the on record, it appears that there is no eye witness to the occurrence and only hearsay evidence is against the appellants. So, I am inclined to grant bail to the appellants.



8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow the appeal.

9. Accordingly, the appeal is allowed and the impugned order dated 18.06.2024 is hereby set aside.

10. The appellants are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Madhepura in connection with SC/ST No. 103 of 2023(S), Kumarkhand P.S. Case No.338 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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