

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4465 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- MOKAMAH District- Patna

SARVAJEET PASWAN @ SARVAJEET KUMAR son of Dinesh Paswan
Village- Shivnar Ps- Mokama Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi Kaushal Paswan Resident of village-Shivnar Panchayat, P.S.-
Mokama, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-01-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. The instant appeal has been filed by the appellant against the order dated 20.07.2023 passed by learned Special Judge (SC/ST Act), Patna whereby the prayer for bail of the appellant in connection with Mokama P.S. Case no. 119 of 2023 under Section 341, 323, 307, 34 of the Indian Penal Code, later on Section 302 of the IPC was also added sections 3(i)(r)(s) of SC/ST Act was rejected.

3. According to prosecution case, the informant alleged that the appellant and co-accused persons due to previous dispute abused and assaulted her husband and father-



in-law due to which they sustained injuries later on her husband died during treatment.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has not committed any offence rather he has been made accused in this case due to previous dispute. There is general and omnibus allegation levelled against the appellant. The appellant has not abused the informant or her family members in public view so no offence is made out under the provisions of the SC/ST Act against him. It is also submitted that the appellant has got no criminal antecedent. Moreover, is languishing in judicial custody since 10.04.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.07.2023 passed in Mokama P.S. Case no. 119 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Mokama P.S. Case no. 119 of 2023 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 Special Judge (SC/ST Act), Patna.

(Sunil Kumar Panwar, J)

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