

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4534 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- DARBHANGA SADAR District- Darb-
hanga

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Vijay Paswan Son Of Shankar Paswan Resident Of Village- Alal Patti, Ps- La-
heriyasarai, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Shatrughan Paswan Son Of Late Yogendra Paswan Resident Of Village- Ka-
malpur Chaprar, Ps- Bahadurpur Fekla Op, District- Darbhanga

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Priyanka Singh
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 13.07.2023 passed by learned 10th Additional Sessions Judge-cum-Exclusive Special Judge SC/ST PoA Act Darbhanga whereby the prayer for bail of the appellant in connection with Darbhanga Sadar P.S. Case no. 145 of 2022 under Section 302, 120B, 34 of the Indian Penal Code, and sections 3(2)(va) of SC/ST PoA Act was rejected.

3. According to prosecution case, the allegation against the appellant is to commit murder of the informant's son



due to previous enmities arises out of land dispute.

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 land dispute. The informant is not an eye witness of the alleged occurrence and no specific allegation levelled against the petitioner. The appellant has not abused the informant 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 is languishing in judicial custody since 05.04.2023.

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

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 13.07.2023 passed in Darbhanga Sadar P.S. Case no. 145 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Darbhanga Sadar P.S. Case no. 145 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 10th Additional Sessions Judge-cum-Exclusive Special Judge SC/ST PoA Act Darbhanga.

(Sunil Kumar Panwar, J)

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