

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5600 of 2023

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

Nitish Paswan son of Dinesh Paswan village Shivnar, P.S. Mokama District Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi w/o- Kaushal Paswan Barahpur, P.S. Mokama District patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Krishna Jha
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Munish Kumar
		Ms. Minakshi Kumari
		Mr. Munna Raj

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 06.11.2023 passed by learned Exclusive 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 Sections 341, 323, 307 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. As per FIR, co-accused persons assaulted the



father-in-law and husband of the informant by means of lathi due to which they sustained injuries and later on during the course of treatment, the father-in-law of the informant succumbed to injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has 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 him. The appellant is not named in FIR. As per FIR, informant named the brother of the appellant in this case and on that basis, the appellant has also been dragged in this case. It is further submitted that informant gave her re-statement in which she has named the appellant in this offence. There is major contradiction between the prosecution case and re-statement of the informant. No any specific overt act of assault against the appellant. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 15.07.2023.

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



taking into consideration of this case as well as period of custody of the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 06.11.2023 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 Exclusive Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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