

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5682 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- BACHHWARA District- Begusarai

Shilwant Ishwar S/o Ram Pukar Ishwar @ Ram Pukar Resident of Village
Bharoul P.S Bachhwara Distt begusarai

... .. Appellant/s

Versus

1. The State Of Bihar through the Special P.P. S.C. & S.T. (Prevention of Atrocities) Act
2. Pragas paswan s/o- Late- Udgar paswan resident of village- Bharoul, P.S.- Bachhawara, Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Sharma, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Sp. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 21-03-2024 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 11.10.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Bachhwara P.S. Case no. 249 of 2023 under Sections 302, 120(B) and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of SC/ST (POA) Act was rejected.

3. As per prosecution case, the appellant and other co-accused persons have committed murder of the informant's son namely, Ajay Paswan.



4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. The informant is not the eye witness of the alleged occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has got no criminal antecedent and he is languishing in judicial custody since 14.08.2023.

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

6. From perusal of the F.I.R., case diary, postmortem report and impugned order dated 11.10.2023, it appears that on the basis of written report of informant Pragash Paswan F.I.R. registered against the nine accused persons including the appellant. The only allegation levelled against the appellant is that he along with other co-accused caught hold the son of the informant (deceased) and when he fell down then co-accused Manjeet Kumar fired upon head of the deceased. This fact was also supported by the informant in para 7 of the case diary and according to F.I.R., the deceased sustain fire arm injuries on his



leg and had but in postmortem report no any injury has been found on the leg and head of the deceased. Considering the facts and circumstances of the case and the period of custody of the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 11.10.2023 is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge, SC/ST(POA) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023.

(Ramesh Chand Malviya, J)

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