

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.349 of 2025

Arising Out of PS. Case No.-1398 Year-2022 Thana- BIHTA District- Patna

Manish Kumar Paswan S/O Lal Babu Paswan R/O Vill./ Mohalla- Manpura,
(Dariyapur), P.S - Phulwarisharif, District Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rabindra Paswan S/O Late Deo Prasad Paswan R/O Vill.- Bodhgawan,P.O-Neora , P.S - Phulwarisharif, District Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

528-07-2025

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. None appears on behalf of the informant despite notice being validly served.

2. The instant appeal has been filed by the appellant against the order dated 30.10.2024 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby the prayer for bail of the appellant in connection with Special Case No. 39 of 2023, Serial Case No. 420 of 2023 arising out of Bihta (Neora) P.S. Case No. 1398 of 2022 under Sections



302/34 of the IPC, Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST Act was rejected.

3. Allegation against the accused persons including the appellant is of being involved in committing the murder of the son of the informant namely Rohit Kumar.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no eye-witness to the occurrence. No incriminating article has been recovered from the conscious possession of the appellant. There is no direct allegation against the appellant rather the same is general and omnibus in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 19.04.2024 and has two criminal antecedents. Learned counsel lastly submitted that three co-accused persons have already been granted bail by this Court vide Annexure-P/2 Series to the present bail application.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 30.10.2024 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Special Case No. 39 of 2023, Serial Case No. 420 of 2023 arising out of Bihta (Neora) P.S. Case No. 1398 of 2022 is hereby set aside.

7. Let the appellant, abovenamed, 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 Court below/concerned Court in connection with Special Case No. 39 of 2023, Serial Case No. 420 of 2023 arising out of Bihta (Neora) P.S. Case No. 1398 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(III) If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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