

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.456 of 2025

Arising Out of PS. Case No.-280 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Akhilesh Paswan S/o Late Nageshwar Paswan Resident of Village- Sisahni,
P.S.- Pakaridayal, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Jaya Kishore Paswan Resident of Village- Sishani, P.S.-
Pakridayal, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Singh, Advocate Ms. Alka Singh, Advocate Mr. Amarendra Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 07-07-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

respondent no.2. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 20.12.2024 passed by learned Special
Judge, SC/ST East Champaran, Motihari whereby the prayer for
bail of the appellant in connection with Pakaridayal P.S. Case
No. 280 of 2023 under Sections 302, 307, 336, 201, 120(B), 34
of the Indian Penal Code and Sections 17/25(g)/27 of the Arms
Act and Section 3(2) (va) of the SC/ST Act was rejected.

3. The prosecution case, in short, is that on



13.12.2023, the son of the Informant had gone to attend the marriage ceremony of the daughter of Akhilesh Paswan (appellant) where her son/Govind Kumar was killed on account of firing and two other persons got injured.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to village politics. Charge-sheet has been submitted in this case. He further states that the main allegation of firing is against Prabhakar Paswan and Bhoolan Shah @ Amit. There is no specific or direct allegation of any overt act against the appellant rather the same are general and omnibus in nature. He further submits that the provisions under the SC/ST Act are not attracted. The appellant has one criminal antecedent and he is in custody since 25.11.2024. Other co-accused have been enlarged on regular bail by this Court vide order dated 20-06-2024, passed in Cr. Appeal (SJ) No. 1169 of 2024.

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

6. Considering the entire facts and circumstances of the case and the period of custody undergone by the appellant as also there being no specific allegation against the appellant, this



Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.12.2024 passed by learned Special Judge, SC/ST East Champaran, Motihari 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 Pakaridayal P.S. Case No. 280 of 2023, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(iii) If the appellant tamper with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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