

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1021 of 2025**

Arising Out of PS. Case No.-388 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Pankaj Kumar @ Pankaj Paswan Son of Congress Paswan Resident of
Hawaspur, Ward No. 4, Ganpataul, P.S.- Mansur Chak, Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Shri Devi Wife of Santosh Paswan Resident of Mahthi, Tola- Jogiya,
P.S.- Bibhutipur, Distt.- Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Piyush Kumar Pandey, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 11-07-2025 Heard Mr. Piyush Kumar Pandey, learned counsel
for the appellant as well as Mrs. Usha Kumari 1, learned Spl.P.P.
for the State.

2. Despite valid service of notice upon Respondent
No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 20.12.2024
passed by the learned Court of Special Judge SC/ST (POA) Act,
1989, Samastipur in connection with Bibhutipur P.S. Case No.
388 of 2022, F.I.R. dated 10.10.2022 registered under Sections
147, 148, 149, 302, 120B of the Indian Penal Code and Sections
3(v) of the Scheduled Castes and Scheduled Tribes Act.



4. According to the prosecution case, the informant alleged that the appellant along with other accused persons have killed her brother-in-law.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the appellant is not named in the FIR and the name of the appellant transpired on the basis of confession statement of co-accused person, namely, Sikander Paswan and except the confessional statement of the co-accused person, no other cogent material is available against the petitioner which suggest the involvement of the petitioner in the present occurrence and the said Sikandar Paswan has been granted bail by this Court vide order dated 11.08.2023 in Cr. App(SJ) No. 1662 of 2023 and similarly situated co-accused person, namely, Neelam Devi has been granted bail by co-ordinate Bench of this Court vide order dated 06.07.2023 in Cr. App. (SJ) No.1470 of 2023, her named also transpired on the basis of confessional statement of co-accused person, namely, Sikandar Paswan. He further submits that another co-accused person, namely, Singheshwar Mahto has been granted bail by co-ordinate Bench of this Court vide order dated 18.05.2023 in Cr.App(SJ) No.1286 of 2023 and his named



also transpired on the basis of confessional statement of co-accused person, namely, Sikandar Paswan. The appellant is in custody since 02.12.2024.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

7. Considering the facts and circumstances of the case, appellant has clean antecedent and the appellant is not named in the FIR and his name transpired on the basis of confessional statement of co-accused person, and similarly situated co-accused persons have been granted bail by co-ordinate bench of this Court or this Court, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge SC/ST (POA) Act, 1989, Samastipur in connection with Bibhutipur P.S. Case No. 388 of 2022, with other following conditions:-

i. Appellant shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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