

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1543 of 2025

Arising Out of PS. Case No.-329 Year-2024 Thana- BARHARA District- Bhojpur

Satyendra Paswan S/o- Nanhak Paswan Resident of Village- Bakhorapur PS-
Barharan, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Tejan Paswan S/o- Bhadaï Ram Resident of Village- Bakhorapur PS-
Barharan, Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharendra Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2025 Heard Mr. Dharendra Singh, learned counsel for the

appellant, Mr. Binay Krishna and learned Special Public

Prosecutor for the State.

2. Learned counsel for the appellant submits that the
appellant and respondent no. 2 (informant) are belonging to the
same community, so no notice is required in the present case.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
04.02.2025 passed by the learned Court of Additional District
Judge-I-cum-Exclusive Special Judge, SC/ST, Bhojpur, Ara in
ABP No. 2448 of 2025 in connection with Barhara P.S. Case
No. 329 of 2024, F.I.R. dated 06.11.2024 registered under



Sections 126(2), 115(2), 117(2), 109(i), 352, 351(3) and 3(5) of the B.N.S., Section 27 of the Arms Act and Section 3(2)(r) of SC/ST Act.

4. According to the prosecution case, all accused persons including the appellant surrounded the son of the informant and hit upon the back of the son of the informant after that all accused persons fled away.

5. Learned counsel for the appellant submits that appellants has clean antecedent and he has falsely been implicated in the present case. It appears from the F.I.R. that although the appellant is named in the F.I.R. but from the perusal of the F.I.R., it appears that specific allegation of firing is attributed against the co-accused person, namely, Amit Paswan and apart from that co-accused Indralok Paswan provided the arms to the Amit Paswan and both the parties are belonging to the same community, so no SC/ST case is made out to the appellant.

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

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.



8. Hence, let the appellants, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I-cum-Exclusive Special Judge, SC/ST, Bhojpur, Ara in connection with Barhara P.S. Case No. 329 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and 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 has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

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

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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