

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1776 of 2025

Arising Out of PS. Case No.-342 Year-2021 Thana- FATEHPUR District- Gaya

Nago @ Nagendra Paswan @ Nage @ Nago Paswan S/O Late Kuleshwar
Paswan R/O Vill.- Raghunathpur, P.s.- Fatehpur, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Vikash Kumar S/O Suresh Paswan R/O Vill.- Raghunathpur, P.s.- Fatehpur,
Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Mrs. Vaishnavi Singh Mr. Ritwik Thakur, Advocates
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Res No. 2	:	Mr. Bachan Jee Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-08-2025 Heard learned counsel for the appellant, respondent
no. 2 and learned Spl. Public Prosecutor for the State.

2. The present appeal has been filed for setting aside the order dated 13.02.2025 passed in B.P. No. 367 of 2025 by learned Exclusive Special Court, SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 342 of 2021 for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST (POA) Act whereby and whereunder the prayer of the appellant for regular bail has been rejected.

3. As per the prosecution case, this appellant along with co-accused Sunil Paswan and Upendra Paswan, armed with



pistol, came in the field of informant and fired bullet upon his father. It is alleged that firstly, this appellant fired upon the father of informant and thereafter, co-accused Sunil Paswan and Upendra Paswan, respectively, fired upon him as a result of which he died on the spot.

4. Learned counsel for the appellant submits that as per F.I.R., this appellant along with two other co-accused persons fired upon the father of informant but as per post-mortem report, only one firearms injury was found on the deceased. There is no allegation of abuse by caste name the F.I.R. as such, no case under SC/ST Act is made out against appellant. Similarly situated co-accused Upendra Paswan has already been granted bail by co-ordinate Bench of this Court *vide* order dated 29.11.2024 passed in Cr. Appeal (SJ) No. 4230 of 2024. The appellant is in custody since 06.12.2024.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the appeal.

6. However, considering the post-mortem report as well as period of custody, the impugned order dated 13.02.2025 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, 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 Exclusive Special Court, SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 342 of 2021.

(Prabhat Kumar Singh, J)

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