

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1845 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- DARIGAON District- Rohtas

Vindhyachal Paswan S/O Prithavi Paswan @ Prithwi Ram R/O Village- Barki Karpurwa, P.S.- Darigaown, Distt.- Rohtas at Sasaram

... .. Appellant/s

Versus

1. The State of Bihar
2. Gopal Paswan @ Pappu Paswan S/O Rajkeshwar Paswan R/O Barki Karpurwa, Ward no. 29, P.s.- Darigaown, Dist.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Deovind Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 09-10-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Despite the notice has validly been served but none appeared on behalf of the Respondent No. 2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 05.04.2025 passed by the learned Additional District and Sessions Judge- 17th cum Special Judge, SC/ST (POA) Act, Sasaram, Rohtas in connection with Darigaon P.S. Case No. 08 of 2024 dated 30.08.2024 registered for the offence/s punishable u/ss 103(2), 61(2) read with section 3(5) of the BNS and section



3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have caught hold of the informant's brother and the co-accused Rahul Kumar @ Bhuar Paswan inflicted blow of knife on the informant's brother causing severe injury to him and subsequently died while he was being taken to hospital.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted that the allegation against the appellant is only of holding the informant's brother, thereafter the co-accused Rahul Kumar @ Bhuar Paswan inflicted blow of knife on the deceased. As per the postmortem report, the cause of death is haemorrhage and shock caused by sharp cutting weapon. As per para 89 of the case diary, the brother of deceased, namely, Rakesh Kumar has not levelled the allegation against the appellant of assaulting the deceased. The appellant has four



criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 31.09.2024. The co-accused person has already been granted regular bail by this Court vide order dated 19.06.2025 passed in Cr. Appeal (S.J.) No. 20 of 2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 05.04.2025 passed by the learned Additional District and Sessions Judge- 17th cum Special Judge, SC/ST (POA) Act, Sasaram, Rohtas in connection with Darigaon P.S. Case No. 08 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- 17th cum Special Judge, SC/ST (POA) Act, Sasaram, Rohtas in connection with Darigaon P.S. Case No. 08 of 2024, with the condition:-



(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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