

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1964 of 2025

Arising Out of PS. Case No.-726 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Ashwini Kumar @ Naga S/O Vishuni Paswan R/O Mohalla-Kuraich Mahavir
Asthan,PS-Sasaram Town,Distt-Rohtas

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Vishuni Paswan S/O Lae Sri Laldev Paswan R/O Mohalla-Kuraich Mahavir
Asthan,PS-Sasaram Town,Distt-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Pandey
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
22.04.2025 passed by the learned Additional District and
Sessions Judge-17-Cum- Special Judge, SC/ST Act, Rohtas at
Sasaram in connection with Sasaram Town P.S. Case No.
726/2024 dated 31.08.2024 registered for the offence/s
punishable u/s 103(1), 61(2) read with Section 3(5) of the Indian
Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of
the SC/ST Act.



3. As per the prosecution case, on 31.08.2024, the informant's father Laldev Paswan went out for a walk at 4 A.M. as usual. At 4:20 A.M., he got information that his father has been shot by an unknown person in front of Vijay Lalu house. When the informant reached there and took him to Sadar Hospital, Sasaram for preliminary treatment, where he died during treatment. The informant said that his father has a lot of land in his name and the survey work is going on, that is why he suspects that he has been shot by an unknown person.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive on account of village politics. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The appellant is not named in the F.I.R. During investigation spy disclosed the name of the appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 01.09.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail. The co-accused, Shashi Kumar in his confessional statement has stated that he shot the informant's father dead.



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 22.04.2025 passed by the learned Additional District and Sessions Judge-17-Cum- Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No. 726/2024 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-17-Cum- Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No. 726/2024, with further 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 appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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