

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1997 of 2025

Arising Out of PS. Case No.-286 Year-2024 Thana- RAHIKA District- Madhubani

Vikash Paswan @ Vikash Kumar Paswan S/o- Ashok Paswan @ Ashok Kumar Paswan Village- Sima PS- Rahika District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi Yogendra Paswan Village- Mavrar PS- Rahika District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant/s	:	Mr. Rananjay Kumar, Adv. Mrs. Chhateshwari Kumari, Adv. Mr. Sumit Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-07-2025 Heard learned counsel for the appellant and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(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 28.04.2025 passed by the learned Additional Sessions Judge-1-cum-Special Judge (SC/ST), Madhubani in G.R. No. 199 of 2024 in connection with Rahika P.S. Case No. 286 of 2024



dated 15.12.2024 registered for the offence/s punishable u/ss 105 read with Section 3(5) B.N.S. and Section 3(1)(w)(i), 3(2)(va) and 3(2)(v) of SC/ST Act.

3. As per the prosecution case, it is alleged that when the son of informant Ajit Paswan came along with his friends Vikash Paswan (appellant) and Sonu Kumar. He brought fish and told her mother to cook the fish. Then the informant cooked the fish after having dinner, they all together went to gate for getting fire heat, thereafter, the son of informant went outside for some time and came back and called all his friends to the room. Anyone of them closed the door of room and after sometime the sound of firing was heard. Further, the informant told to open the door then she along with her daughter Sarita Kumari and her friend Durga Kumari entered the room then she found that bullet was hit in the stomach of informant's son and he was down on the ground. Both of his friends took him on the appellant's motorcycle and took him to Sadar Hospital, Madhubani for treatment and after treatment by the doctor he declared him dead. After death, Pappu Paswan came there along with his friends then informant came to know that after insisting of Pappu Paswan, the appellant and the co-accused, Sonu Kumar fled away from the hospital. The son of the informant



was working for Pappu Paswan for the last 2-3 months and had doubt that Pappu Paswan may have given the arms to keep and as soon as the gate opened the appellant and the co-accused Sonu Kumar told they were checking the fire-arms, in the meantime, Ajit Paswan was fired by himself. Hence, this case was lodged.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The name of the appellant has sprung up in this case on mere suspicion. The informant is not an eye-witness to the alleged occurrence. There is no specific allegation of firing against the appellant. The charge-sheet has been submitted against the appellant and the co-accused person. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 08.04.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail and submitted that the caused of death is due to haemorrhage and shock caused by fire arm injury.



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 28.04.2025 passed by the learned Additional Sessions Judge-1-cum-Special Judge (SC/ST), Madhubani in G.R. No. 199 of 2024 in connection with Rahika P.S. Case No. 286 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 Sessions Judge-1-cum-Special Judge (SC/ST), Madhubani in G.R. No. 199 of 2024 in connection with Rahika P.S. Case No. 286 of 2024.

(Chandra Prakash Singh, J)

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