

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2343 of 2025**

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

Amit Paswan @ Bhundid @ Bhundul S/o Kundan Paswan R/o Village-
Bakhorapur, P.S.- Barahara, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Tejan Ram @ Tejan Paswan S/o Sri Bhadaï Ram R/o Village- Bakhorapur,
P.S.- Barahara, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Diwakar, Adv. Mr. Deepak Kumar, Adv. Mr. Priya Kumari, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

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

ORAL ORDER

4 13-11-2025 Heard learned counsel for the appellant and 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
19.05.2025 passed by the learned Additional Sessions Judge-1st,
Bhojpur at Ara in B.P. No. 1212 of 2025 in connection with
Barahara P.S. Case No. 329 of 2024 dated 06.11.2024 registered
for the offence/s punishable u/s 126(2), 115(2), 117(2), 109(1),
352, 351(3) read with Section 3(5) of the B.N.S. and Section 27



of the Arms Act 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 surrounded the son of the informant. Thereafter, the appellant shot on the right side of his back which causes injury to the informant's son after that all the accused persons fled away.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is a case and counter-case between the parties. 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 section SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 12.11.2024. The co-accused person has already been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 22.04.2025 passed in Cr. App.(SJ). No. 1543 of 2025.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail by submitting that the specific allegation of firing on the informant's son is against the appellant. As per the injury report of the injured, the injury is



stated to be grievous in nature.

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 19.05.2025 passed by the learned Additional Sessions Judge-1st, Bhojpur at Ara in B.P. No. 1212 of 2025 in connection with Barahara P.S. Case No. 329 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-1st, Bhojpur at Ara in B.P. No. 1212 of 2025 in connection with Barahara P.S. Case No. 329 of 2024.

(Chandra Prakash Singh, J)

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