

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3050 of 2024

Arising Out of PS. Case No.-104 Year-2023 Thana- BALIYA District- Begusarai

Shambhu Kunwar @ Shambhu Kumar Son Of Hari Kunwar Resident Of
Bhawanandpur, Masudanpur, P.S. - Baliya, District - Begusarai, Bihar -
851211

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Paswan Son Of Late Bacchi Paswan Resident Of Bhawanandpur,
Ward No.- 01, P.O. - Masudanpur, P.S. - Balia, District - Begusarai, Bihar -
851211

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Shama Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P. Ms. Ankita Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-02-2025 Heard learned counsel for the appellant, learned Spl.

Public Prosecutor appearing on behalf of the State and learned

counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated
22.05.2024 passed by learned Exclusive Special Judge, SC/ST
(POA) Act, Begusarai in connection with Ballia P.S. Case No.
104 of 2023, registered under Sections 302/34 of the Indian
Penal Code and Sections 3(1)(r), (s) and 3(2)(v) of Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for regular bail of appellant has been
rejected.



3. As per F.I.R., on 02.05.2023 at about 2:00 am, when informant along with his wife went to attend marriage ceremony of daughter of Shambhu Kunwar in the meantime, co-accused Kundan Kunwar fired upon his wife as a result of which she died on spot. Allegation against this appellant is that he along with others tried to remove the dead-body of informant's wife from the place of occurrence.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. Further submission is that specific accusation of firing upon informant's wife is against co-accused Kundan Kunwar. There is no allegation of abuse by caste name, as such, no offence under SC/ST Act is made out. Similarly situated co-accused Chandan Kunwar has already been granted bail by a co-ordinate Bench of this Court *vide* order dated 04.01.2024 passed in Cr. Misc. No. 4483 of 2023. Appellant is in custody since 29.11.2023.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, 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 Judge, SC/ST (POA) Act, Begusarai, in connection with Ballia P.S. Case No. 104 of 2023.

7. Accordingly, the impugned order dated 22.05.2024 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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