

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3189 of 2024

Arising Out of PS. Case No.-222 Year-2022 Thana- SHEOHAR District- Sheohar

Munchun Paswan Son of Gajendra Paswan Resident of Village - Bhatahan,
P.S.- Shyampur Bhatahan, District - Sheohar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Niras Paswan Son of Keshwar Paswan Resident of village - Rejma, P.S. and District - Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Devendra Kumar, Advocate
For the Resp. No. 2	:	Mr. Sanjay Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

12 01-07-2025 Heard Mr. Devendra Kumar, learned counsel for the appellant, Mr. Sanjay Kumar Gupta, learned counsel for the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for bail by order dated 22.03.2024 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Sheohar in connection with Sheohar P.S. Case No. 222 of 2022 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(ii) (V) of SC/ST Act.



3. The prosecution case, in brief, is that accused Ram Binay Paswan and other co-accused including the petitioner intercepted the motorcycle of the informant's father and two unknown persons started indiscriminate firing upon his father and his uncle as a result of which they received gun shot injury and died. It is further alleged that the appellant tried to stop the motorcycle of the informant but he along with his brother somehow escaped.

4. Learned counsel for the appellant submits that the appellant is not named in the F.I.R. and he has been falsely implicated in the present case. He further submits that the name of the appellant has been transpired on the basis of self confessional statement of the appellant as well as confessional statement of co-accused person and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the appellant in the present occurrence.

5. Learned counsel for the Informant as well as learned Special Public Prosecutor for the State, on the other hand, on the basis of material available on record and case diary, has vehemently opposed the prayer for bail of the appellant and submits that appellant carries twelve cases other than the present one and apart from that he has confessed his guilt in the present



occurrence, apart from that co-accused person also confessed the name of the appellant and the confessional statement of the appellant is supported by the medical evidence.

6. Considering the aforesaid facts and circumstances of the case and the fact that there is direct allegation against the appellant, I am not inclined to enlarge the appellant on bail in connection with Sheohar P.S. Case No. 222 of 2022 pending in the Court of learned 1st Additional Sessions Judge-cum-Special Judge, SC/St, Sheohar.

7. Prayer is refused.

8. Accordingly, the impugned order dated 22.03.2024 is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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