

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2822 of 2025

Arising Out of PS. Case No.-416 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Banti Kumar @ Banti Kumar Pasi @ Banti Pasi @ Harish Pasi @ Bantoy
Kumar S/O Late Deepak Lal Pasi R/O Mohalla- Driver Tola, P.S- Katihar
Town, Dist.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotu Paswan S/O Late Naval Kishore Paswan R/O Mohalla- Driver Tola,
P.S- Katihar Town, Distt.- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimal Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-08-2025 Heard the learned Advocate for the appellant and the
learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 12.06.2025 passed by the learned District Judge-cum-Additional Sessions Judge-I, Special Judge, SC/ST Act, Katihar in connection with Katihar Nagar P.S. Case No. 416 of 2021, registered for the offence punishable under Sections 302 and 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST Act, by which the prayer for regular bail of the appellant came to be rejected.

3. Learned Advocate for the appellant submitted that earlier the appellant had approached this Court in Cr. App. (SJ)



No. 103 of 2022, on being aggrieved with the order passed by the learned Special Court, whereby his prayer for bail was rejected, however, this Court after taking into consideration the materials available on record has been pleased to set-aside the impugned order and directed the appellant to release on bail with certain conditions as enumerated hereinafter:-

“(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.”

4. Learned Advocate for the appellant submitted that in fact on account of his absence, resulting into non compliance with the conditions aforementioned, the bail bond of the appellant was cancelled on 06.03.2024. Subsequently, the appellant was taken into custody in connection with Katihar Nagar P.S. Case No. 742 of 2024 on 12.10.2024. Despite the fact the appellant was in jail, but the authorities concerned issued production warrant on 15.05.2025 and thereafter, the custody warrant was issued on 17.05.2025 and accordingly, remanded in the present case. Taking note of the fact, the appellant did not appear in connection with the present case, the bail bond of the appellant



was cancelled.

5. On the other hand, learned Spl. P. P. for the State vehemently opposes the prayer and submitted that the appellant did not stand on the conditions of this Court.

6. Having considered the aforementioned submissions and taking note of the fact that the appellant had already been allowed bail after setting-aside the impugned order in Cr. App. (SJ) No. 103 of 2022 vide order dated 18.08.2022 and now the appellant is also in custody since 17.05.2025 in connection with the present case, the impugned order dated 12.06.2025 is hereby set-aside. Let the appellant, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned District Judge-cum-Additional Sessions Judge-I, Special Judge, SC/ST Act, Katihar in connection with Katihar Nagar P.S. Case No. 416 of 2021, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions, aforementioned.

(Harish Kumar, J)

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