

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3518 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- BACHHWARA District- Begusarai

SAJAN KUMAR SON OF ASHOK KUMAR @ ASHOK ISHWAR @
ASHOK KUMAR ISHWAR RESIDENT OF VILLAGE - BHAROUL, P.S. -
BACHHWARA, DISTRICT - BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR THROUGH THE SPECIAL P.P. S.C. AND S.T. (PREVENTIOIN OF ATROCITIES) ACT BIHAR
2. PRAGAS PASWAN SON OF LATE UDGAR PASWAN RESIDENT OF VILLAGE - BHAROUL, P.S. - BACHHWARA, DISTRICT - BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Sharma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 27-03-2025 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, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 01.05.2024 passed by the learned Court of Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023 dated 13.08.2023 registered for the offence/s punishable u/s 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms



Act and Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellant and other co-accused persons are alleged to have committed murder of the informant's son namely, Ajay Paswan.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to dirty village politics. It is further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act against him. The informant is not an eye witness of the alleged occurrence. There is general and omnibus allegation against the appellant. The specific allegation of firing on the head of the informant's son is against the co-accused, Manjit Kumar. The appellant has no concern with the alleged occurrence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 13.10.2023. The co-accused has been granted regular bail by this Court vide order dated 12.07.2024 passed in Cr. APP(SJ). No. 1211 of 2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

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 01.05.2024 passed by the learned Court of Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023 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 Court of Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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