

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3766 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- KOTWA District- East Champaran

Dilip Paswan Son of Late Punit Paswan R/V- Village- Jasaulipatti, P.S.-
Kotwa, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Anish Paswan Son of Sadhu Paswan R/V- Village- Jasaulipatti, Ward No. 4,
Kotwa, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, SPP
For the Informant	:	Mr. Rahul Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 14-10-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. Earlier the appellant has moved before this Hon'ble
Court with a prayer for anticipatory bail which was dismissed as
withdrawn vide order dated 20.07.2024 passed in Cr. Appeal
(SJ) No. 411 of 2024.

3. The instant appeal has been filed by the appellant
against the order dated 30.03.2024 passed by learned Special
Judge SC/ST Act, East Champaran, Motihari whereby the
prayer for bail of the appellant in connection with Kotwa P.S.
Case No. 219 of 2023 under Sections 341, 323, 324, 302, 504,



506/34 of the I.P.C. and Section 3(i)(r)(s), 32(v) SC/ST Act, Act was rejected.

4. The allegation against the appellant is of being involved in killing the deceased namely Rupam Paswan by dagger.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is no eye-witness to the occurrence. No case of the SC/ST Act is attracted as the appellant himself belong from SC/ST community. The appellant is in custody since 09.06.2023 and has no criminal antecedent. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of assault is upon the co-accused Alok Paswan and as per allegation, the appellant had caught hold the hand of the deceased. It is further submitted that the co-accused Alok Paswan against whom there is a specific allegation of knife blow has already been granted bail by this Court vide order dated 21.03.2024 passed in Cr. Appeal (SJ) No. 4427 of 2023.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant stating that the appellant is named in the F.I.R. and there is a specific allegation against the appellant of catching hold the hand of the deceased. Postmortem report also supports the prosecution case.

7. Pursuant to the order of this Court dated 27.06.2025, the learned court below has sent report regarding present stage of trial.

8. From perusal of the report dated 04.07.2025, it appears that one witness out of eleven witnesses has been examined and the processes have already been issued for appearance of the rest of the witnesses. It is also stated that the trial is likely to be concluded within six months.

9. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order 30.03.2024 passed by learned Special Judge SC/ST Act, East Champaran, Motihari is hereby set aside.

10. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa P.S.



Case No. 219 of 2023, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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