

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 4806 of 2024**

Arising Out of PS. Case No.-115 Year-2024 Thana- TARARI District- Bhojpur

Akash Kumar Son of Surendra Singh Resident of Village- Tarari, P.S. Tarari,
Distt.- Bhojpur (Ara)

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Paswan @ Bhola Paswan Son of Late Palu Paswan Resident of Village-
Jamodhi, P.S.- Piro, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Anil Kumar, Advocate
For the S t a t e	:	Mr Binay Krishna, Special PP
For Respondent No 2	:	Mr Sahja Nand Sharma, Advocate

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

3 12-11-2025 Heard Mr Anil Kumar, learned counsel for the
appellant, Mr Binay Krishna, learned Special PP and Mr Sahja
Nand Sharma, learned counsel representing respondent No 2.

2 The present appeal has been preferred for setting
aside the order dated 10.09.2024 passed in ABP No 2316 of
2024 arising out of Tarari PS Case No 115 of 2024 instituted
under Sections 302/34 of the IPC and Sections 3 (i) (r) (s)/3 (2)
(va) of the SC/ST (Prevention of Atrocities) Act, by the learned
Additional Sessions Judge I -cum- Special Judge, SC/ST Act,
Bhojpur at Ara whereby and where under the prayer for
anticipatory bail of the appellant was rejected.

3 As per the prosecution story, the informant alleged



that his brother Shatrudhan Paswan, who used to drive the tractor of Birendra Baitha, had gone out on motorcycle but later was abducted by Ankit Yadav, Aman Yadav and Deepak Yadav who killed him and later concealed the dead body on a different place. This led to the lodging of the FIR.

4 Learned counsel for the appellant, with the support of case diary, submits that as per the investigation, actually Vijay Baitha was driving the tractor in a rash and negligent manner, the deceased Shatrudhan Paswan was sitting on it and as the tractor overturned, Shatrudhan Paswan came under the said tractor resulting into his death. So far as the subsequent allegation of disappearance of tractor, the appellant has no role to play in the matter. He is a student and has no criminal antecedent.

5 Learned counsel representing respondent No 2 submits that though main allegation is against co-accused Vijay Baitha, he is also part of the conspiracy in disappearing the dead body and the tractor.

6 Taking into consideration the fact that the appellant is 19 years old having no criminal antecedent, prima facie, no case under the SC/ST Act is made out against him, the case diary/investigation takes the present case to a different line, in



that background, this Court is inclined to grant anticipatory bail to the appellant.

7 Let the appellant above named, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Bhojpur at Ara in Tarari PS Case No 115 of 2024 subject to the conditions as laid down in Section 482 of the BNSS 2023 as also the following conditions:

(i) One of the bailors should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) The appellant shall appear on each and every date before the learned trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the trial Court itself;

(iii) The appellant shall appear before the concerned Police Station every fortnight for the next six months to make their attendance and at the end of the period, a certificate be submitted before the trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) The appellant shall in no way try to induce or promise or threat the



witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8 Accordingly, this appeal is allowed and the order dated 10.09.2024 passed in ABP No 2316 of 2024 by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Bhojpur at Ara is set aside.

(Rajiv Roy, J)

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