

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5523 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Ashok Das S/O Baijnath Ram @ Bajnath Ravidas Resident of village - Argara
Chok, Police Station - Katihar Nagar, Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan S/O Late Gorelal Paswan Resident of village - Driver Tola ,
Police Station - Town, Dist- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Thakur Brajesh Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan- Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-01-2025 Heard learned counsel for the appellant, learned Spl.
P.P., Sadanand Paswan for the State and the learned Counsel
appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for regular bail vide order dated 28.10.2024
passed by the learned District and Additional Sessions Judge-I-
cum-Special Judge S.C./S.T., Katihar, in connection with Katihar
Nagar, P.S. Case No. 141 of 2024 registered for the offences
punishable under Sections 302, 120(B) and 34 of the Indian Penal
Code and Section 27 of the Arms Act, but later on charge-sheet has
been submitted under Sections 3(2)(v) of the SC/ST Act and

Sections 25(1B) A/26/27/35 of Arms Act.

3. Learned counsel appearing on behalf of the appellant submits that the appellant has an antecedent of one case, but then, in that case the appellant was duly acquitted in the criminal trial, as such the appellant as of date is a person with clean antecedent. It is next submitted that the appellant is in custody since 07.04.2024 and the charge-sheet has been submitted. It is also submitted that the appellant is not named in the FIR and his name transpired based on confessional statement of apprehended accused in police custody. It is specifically asserted and submitted that the person, who has alleged to have fired causing death of the brother of the informant, was caught and his confessional statement was also recorded, but then, the alleged shooter has not named the appellant in his confessional statement. It is next submitted that since the charge-sheet has been submitted and appellant is a person with clean antecedent, as such, no useful purpose would be served by keeping the appellant behind the bar.

4. The learned Spl. P.P. for the State and the learned Counsel appearing on behalf of the informant opposes the prayer for bail application, but then, they are not in a position to rebut the submissions of the learned Counsel appearing on behalf of the appellant that the main shooter was apprehended in the case and his confessional statement has been recorded and he has not

named the appellant.

5. Regard being had to the aforesaid submissions, the order dated 28.10.2024 is set-aside.

6. The appeal stands allowed.

7. The appellant, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.45,000/- (Rupees Forty Five Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1-cum- Special Judge, SC/ST, Katihar in connection with Katihar Nagar P. S. Case No.141 of 2024.

8. However, in the event, if the learned trial Court comes to a conclusion that the appellant after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

Jyoti Kumari/-

U			
---	--	--	--