

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3206 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- SAHJAHANPUR District- Patna

Paras Paswan son of Rohan Paswan Resident of Diawan P.S -Karai Parsarai,
Dist- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md Rafi Ahmad, Advocate

For the Respondent/s : Ms.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-05-2026 Heard Mr.Md Rafi Ahmad, learned counsel for the
appellant and Ms.Usha Kumari 1, learned Spl. P.P. for the State.

2.The instant appeal has been filed by the appellant against the order dated 10.02.2025 passed by learned Court of Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby the prayer for bail of the appellant in connection with Special Case No. 456 of 2024 (arising out of Sahjahanpur P.S. Case No.100 of 2024) under Sections 303(2), 103(1), 105, 3(5) of BNS and Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.

3. As per FIR, 4-5 unknown thieves stole two goats and shot informant's husband during the chase, as a result of which he died. It is further alleged that informant's nephew died of shock upon seeing his uncle dead.



4. Learned counsel for the appellant submits that the appellant has clean antecedent. Appellant is not named in the FIR. The name of the appellant has transpired during investigation on the basis of the confessional statement of co-accused person, namely, Ashok Yadav @ Ashok Gop and said Ashok Yadav @ Ashok Gop has confessed that one co-accused person, namely, Akhilesh Yadav has fired upon the victim and the appellant has no role at all in the present occurrence and appellant at best may be a member of the mob. Learned counsel for the appellant further submits that except the aforesaid, nothing has come during investigation against the appellant to suggest the involvement of the appellant in the present occurrence and co-accused person, namely, Ashok Yadav @ Ashok Gop, who has disclosed the name of the appellant has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.07.2025 passed in Cr. Appeal (SJ) No.956 of 2025 (Annexure-2) and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 04.09.2024.

5. Learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that the name of the appellant has transpired during investigation which



suggests that the appellant has participated in the present crime in question.

6. Considering the facts and circumstances of the case, appellant has clean antecedent, he is not named in the FIR, his name has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Ashok Yadav @ Ashok Gop and said Ashok Yadav @ Ashok Gop has been granted bail by a Coordinate Bench of this Hon'ble Court as well as the period of custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Special Case No. 456 of 2024 arising out of Sahjahanpur P.S. Case No.100 of 2024, with the following conditions:-

(I) Appellant shall co-operate 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

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