

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4512 of 2025**

Arising Out of PS. Case No.-112 Year-2025 Thana- HASANPUR District- Samastipur

Raushan Kumar @ Roushan Paswan @ Raushan Paswan S/O Arvind Paswan
@ Chhotu R/O Village- Rampur, P.S.- Hasanpur, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Radhey Paswan S/O Jagdish Paswan R/O Village- Rampur, P.S.- Hasanpur, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhav Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

3 12-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 23.09.2025 passed by learned Special Judge, SC/ST Act, Samastipur whereby the prayer for bail of the appellant in connection with Hasanpur PS Case No. 112 of 2025 instituted under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Sections 3(2)(va) of SC/ST Act was rejected.

3. The prosecution alleges that on 11.06.2025 the accused obstructed electrical repair work, threatened a government lineman, and brandished firearms. On 14.06.2025,



they allegedly ambushed the informant's son, attempted to snatch his mobile phone containing a video of the earlier incident, and co-accused Nitish Kumar Das shot him dead at the instigation of Roshan Paswan (appellant).

4. 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. Learned counsel for the appellant submits that from perusal of the FIR, it would manifest that appellant is merely order giver and specific allegation of firing is against co-accused, Nitish Kumar Das. Save and except this, there is no material against the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 16.06.2025 and has no criminal antecedent.

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

6. 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 dated 23.09.2025 passed by learned Special Judge, SC/ST Act, Samastipur is hereby set aside.

7. Let the appellant 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 Hasanpur PS Case No. 112 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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