

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1036 of 2016

Arising Out of PS.Case No. -149 Year- 2016 Thana -KORHA District- KATIHAR

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Rajani Rishi, S/o Late Prasadi Rishi, R/o - Basgara, P.S. - Korha, District- Katihar.

.... Appellant.

Versus

The State of Bihar

.... Respondent.

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Appearance :

For the Appellant : Mr.

For the State : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

Date: 16-12-2016

Heard learned counsel for the appellant as well as learned
APP for the State.

2. This criminal appeal, filed under section 14 A(2) of the
SC/ST (Prevention of Atrocities) Amendment Act, is preferred
against the order dated 03.08.2016 passed by the learned Additional
Sessions Judge 1st, Katihar, in B.P. No.732 of 2016, by which the
prayer of the appellant to enlarge him on bail in connection with
Korha P.S. Case No.149 of 2016 has been refused.

3. The appellant is not named in the first information
report but in course of investigation, it came to light that deceased had
love affair with daughter of co-accused Bhadai Rishi and the appellant
being relative of co-accused Bhadai Rishi committed murder of the



deceased. However, none has seen the actual killing of the deceased nor any witness claimed to have seen the appellant taking away the deceased. So far as application of SC/ST(Prevention of Atrocities) Amendment Act against the appellant is concerned, it appears that the appellant and deceased are of same caste, therefore, the offence of SC/ST (Prevention of Atrocities) Amendment Act is not attracted against the appellant.

4. On the basis of aforesaid discussions, this criminal appeal is allowed and, accordingly, the order dated 03.08.2016 passed in B.P.No. 732 of 2016 by the learned Additional Sessions Judge 1st, Katihar, is set aside.

5. Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st Katihar in connection with Korha P.S.Case No. 149 of 2016.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

