

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.994 of 2016

Arising Out of PS.Case No. -100 Year- 2016 Thana -PAKARIBARAW District- NAWADA

1. Golden Kumar, son of Ravindra Singh, Village- Dhanwan, Police Station- Rupau in the district of Nawada.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar -Advocate

For the Respondent/s : Mr. Binay Krishna-S.P.P.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 25-01-2017

Heard learned counsel for the appellant as well as learned Special Public Prosecutor.

Instant appeal has been preferred against an order dated 02.09.2016 passed by the 1st Additional Sessions Judge-Cum-Special Judge, Nawada, so designated under S.C./S.T. (Prevention of Atrocities) Act under B.P. No.700 of 2016/ 31 of 2016, rejecting prayer of the appellant in terms of Section 439 of the Cr.P.C.

Informant's husband, who was driver over a tractor belonging to Shyam Sundar Sao proceeded from his house on 21.05.2016 with a disclosure that he is going to carry bricks from a brick-kiln located at Warsaliganj and since thereafter, became traceless along with tractor and trailer. During course of search, his dead body was found on 22.05.2016, having severe ante-



mortem injuries. Accordingly, F.I.R. was registered against unknown.

From the case diary, it is evident that appellant was apprehended on mere suspicion (Para-68) and during course of interrogation made inculpatory extra-judicial confessional statement (Para-70) and on the basis thereof, one Pawan Kumar @ Kaila was apprehended (Para-73), whose inculpatory extra-judicial confessional statement has also been recorded (Para-76). Then thereafter, it is apparent from Para-82 on pointing out by Pawan Kumar @ Kaila, the looted tractor was seized from a brick-kiln (Para-83). Since thereafter, nothing more has been collected against the appellant. Furthermore, from Para-91, it is evident that appellant has got no criminal antecedent.

Accordingly, appellant, **Golden Kumar** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Nawada in connection with Pakaribarawan P. S. Case No.100 of 2016. Consequent thereupon, instant appeal is allowed.

(Aditya Kumar Trivedi, J)

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