IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.818 of 2017

Arising Out of PS.Case No. -288 Year- 2016 Thana -CHANDAUTI District- GAYA

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Abhisek Kumar @ Bare, S/o Barhan Mistry, R/o Village- Katari Pahar, P.S.- Chandauti, District- Gaya.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Mahtab Alam
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 10-05-2017 Heard leaned counsel for the appellant as well as learned Public Prosecutor.

Shankar Paswan who happens to be elder brother of Rahul Kumar, deceased gave his Fard-beyan to the effect that on the pretext of seeing 'Durga Idol', the appellant Abhisekh Kumar @ Bare and Amit Kumar took away Rahul Kumar who was later on seen over a motorcycle. Subsequently, there was a remour regarding trace of a dead body who was lifted by the police to Anugrah Narayan Magadh Medical College, Gaya, whereupon, informant rushed and identified the dead body of Rahul Kumar. None is an eyewitness to the occurrence, save and except identifying the appellant who was in company of deceased along with Amit Kumar as last seen.

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Furthermore, from the statement of eyewitnesses, it is evident that father of Amit Kumar namely, Chandan Paswan got punished for causing murder of father of Rahul Kumar namely, Krishna Paswan and now-a-days, he, after saturation the period of sentence, got released and further occurrence has been committed at his instance. Furthermore, from the case diary, it is also apparent that appellant Abhisekh Kumar @ Bare was examined who made disclosure, identifying Amit Kumar to be the assailant and further Amit Kumar also identified himself to be an assailant by means of fire-arm, which is found corroborated under post-mortem examination.

That being so, setting aside the order impugned dated 09.02.2017 passed by the Additional Sessions Judge-II, Gaya(Special Judge SC/ST,Gaya) in B.P. No. 113/2016/3572/016, the appellant, Abhisek Kumar @ Bare 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 Additional District and Sessions Judge-II Gaya (Special Judge SC/ST, Gaya), in connection with Chandauti P.S. Case No. 288 of 2016.

(Aditya Kumar Trivedi, J)

Ravi/-

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