

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.855 of 2016

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

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1. Bhadai Rishi @ Bhaday Rishi S/o Doman Rishi Resident of Village-Pekha, P.S.-
Korha, District-Katihar

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 16-01-2017

Heard learned counsel for the appellant as well as learned
Special P.P. for the State and learned counsel for the informant.

2. This criminal appeal, filed under section 14A (2) of the
SC/ST (Prevention of Atrocities) Amendment Act, is preferred against
the order dated 02.09.2016 passed by the learned Additional Sessions
Judge 1st, Katihar, in B.P.No. 971 of 2016 by which the prayer of the
appellant for regular bail in connection with Korha P.S. Case No.149
of 2016 registered under sections 302/34 of the Indian Penal Code
and Section 3(1)(x) of the SC/ST Act was rejected.

3. The appellant is not named in the first information
report but in course of investigation, some witnesses stated only to
this extent that the deceased was in love with the daughter of the



appellant and deceased used to visit the house of the appellant and except the aforesaid material, there is nothing against the appellant. Although learned court below referred some paragraphs of the case diary to prove the guilt of the appellant but it is obvious from the material available in the case diary that except the suspicion, there is nothing against the appellant.

4.. Considering the aforesaid facts and circumstances as well as submission of the parties, I am of the opinion that the impugned order cannot be sustained in the eye of law. Accordingly, this criminal appeal is allowed and the impugned order dated 02.09.2016 passed by the Additional Sessions Judge 1st , Katihar, in B.P. No.971 of 2016 is hereby 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 Chief Judicial Magistrate, Katihar, in connection with Korha P.S.Case No. 149 of 2016.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NAFR
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