

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1182 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

=====

Suman Kumar, son of Laxmi Bhagat, resident of village-Tarapakad, P.S.-
Mehsi, District-East Champaran.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Kant Singh -Advocate

For the Respondent/s : Smt. Asha Kumari-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

08 18-03-2017 Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor.

Deceased, Ranjay Kumar was called upon by Nitesh Kumar on 14.01.2016 at about 6.00 p.m. and then thereafter, he found missing. The informant, his father, gone to the place of Nitesh Kumar, who shown his ignorance. On the following day, dead body of Ranjay Kumar was found. As per post mortem report, death happens to be on account of throttling.

Appellant is not named in the first information report. Furthermore, the allegation on its face did not satisfy the application of S.C./S.T. (Prevention of Atrocities) Act, being resident of different village and further, there happens to be absence that the accused persons were knowing since before regarding status of the prosecution party to be a Member of



Scheduled Caste. Now, coming to the merit of the case, it is apparent that nothing has been collected against the appellant. Even considering inculpatory extra-judicial confessional statement of co-accused Bablu Kumar, complicity of appellant is not at all found during course of commission of the occurrence.

Consequent thereupon, setting aside the order impugned dated 13.06.2016 passed by the 1st Additional Sessions Judge, East Champaran at Motihari in A.B.P. No.1146 of 2016 arising out of Mehsi P. S. Case No.05 of 2016, in event of his arrest/ surrender within four weeks from the date of receipt of the order, appellant, **Suman 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 Additional Chief Judicial Magistrate-6, Motihari in connection with Mehsi P. S. Case No.05 of 2016, in terms of condition as prescribed under Section 438(2) of the Cr.P.C.

That being so, instant appeal is allowed.

(Aditya Kumar Trivedi, J)

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