

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.399 of 2017**

Arising Out of PS.Case No. -185 Year- 2015 Thana -TARIYANI CHOWK District- SHEOHAR

=====

1. Amarnath Mahto @ Amarnath Kumar S/o Arjun Mahto R/o Village-  
Sarwarpur, P.S. Tariyani, District- Sheohar.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      20-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by the learned 1<sup>st</sup> Additional Sessions Judge, Sheohar in Tariyani P.S. Case No. 185 of 2015 registered under Sections 366A, 302, 376D, 120B/34 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offenses Act, 2012 as well as Section 3(1)(xii) of the SC/ST Act.

According to FIR, five persons named in the FIR are alleged to have kidnapped to the daughter of the informant. Subsequently, her dead body was recovered and it was found that initially rape was committed against her and thereafter murder was committed. In the confessional statement of the co-accused,



namely, Bigu Kumar name of the appellant surfaced as co-culprit, though the appellant is not named in the FIR. Appellant is in custody since 18.12.2015. However, the trial has not begun as yet.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the period already undergone by the appellant as well as considering the fact that confession of co-accused before the police is irrelevant under the Evidence Act, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

**(Birendra Kumar, J)**

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