

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3600 of 2017

Arising Out of PS.Case No. -72 Year- 2017 Thana -PURANHIA District- SHEOHAR

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1. Dharmendra Sah, Son of Bindeshwar Sah, Resident of Village Chak Fateha, P.S.- Purnahiya, District- Sheohar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-02-2018 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 against the refusal of prayer for bail by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Sheohar, in connection with Purnahiya Police Station Case No.72 of 2017 registered under Section 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Son of the informant left the house to visit a fair. However, he did not return and after six days dead-body was found from the field-side cut into pieces. Suspicion was raised against the appellant and others. The appellant was apprehended on suspicion and his confessional statement was recorded wherein



the appellant admitted his guilt.

Submission of the learned counsel for the appellant is that only material against the appellant is his confession and confession before the police is no evidence in the eye of law. There is no eyewitness of the occurrence.

Same is the stand of the state on bare perusal of the case-diary.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that only material against the appellant is suspicion, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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