

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3013 of 2018

Arising Out of PS. Case No.-32 Year-2018 Thana- PURNAHYA District- Sheohar

Sahil Kumar @ Sahil, S/o Shivji Mahto, Resident of Village- Purnahiya, P.S.
Purnahiya, District- Sheohar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prabhat Kumar, Advocate
For the Respondent/s	:	Smt. Usha Kumari No-1, SPP 247
For the Informant	:	Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-09-2018

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) Amendment Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 19.06.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Sheohar in Purnahiya Police Station Case No.32 of 2018, corresponding to G.R. No.255 of 2018 registered under Sections 302, 201, 120-B of the Indian Penal Code as well as Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., murder of *Rajiv Kumar Ram* was committed by the appellant, for the reason that the deceased had some affairs with the sister of the appellant. The case diary would



reveal that the sister of the appellant has also stated before the Police that since the appellant and his wife came to know about the affairs, they committed murder. Besides the aforesaid there is confessional statement of the appellant before the Police, wherein he has admitted his guilt.

Learned counsel for the appellant submits that confession before the Police is no evidence. The trial is running at the stage of prosecution evidence. There is no eyewitness of the occurrence and only material is suspicion, which cannot take place of truth. Even, if it is assumed to be a case of circumstantial evidence, there is missing of different chains of circumstances for the purpose of this consideration.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that there is no substantial material against the appellant, 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 trial of the case,



failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

