

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1328 of 2018

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

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1. Nitish Rai, Son of Lagan Rai, Resident of Village- Chakfateha, Police Station-
Purnahiya, District- Sheoahr.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Madhubala Verma, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-05-2018

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-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(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR was lodged on recovery of the dead body of the son of the informant, whose murder was committed by cutting him into pieces. The informant suspected that the appellant and others



might have committed the murder for old dispute.

Learned counsel for the appellant submits that only material that came during investigation is suspicion as there is no eyewitness of the occurrence. In the confessional statement of co-accused Dharmendra Sah was recorded wherein name of the appellant surfaced.

Considering the aforesaid material, 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 impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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