

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1458 of 2019

Arising Out of PS. Case No.-50 Year-2018 Thana- PIRI BAZAR District- Lakhisarai

MD. GULAB @ MD. GULAB KUMAR Son of Md. Mutkil @ Muso @ Md. Mustkim Resident of Village - Maheshpur, P.S.- Piri Bazar, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Chandradev Tanti Resident of Village - Benipur, P.S.- Piri Bazar, District - Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 20-08-2019 Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 11.10.2018 passed by learned 1st Addl. Sessions Judge, Lakhisarai in Lakhisarai SC/ST Case No. 51 of 2018 arising out of Piri Bazar P.S. Case No. 50 of 2018 registered under Section 302/34 of the Indian Penal Code, Sections 25(1-b)a, 26(1) and 27 of the Arms Act and Sections 3(1)(x)(3)2v(a)2(v) of the SC/ST Act.

Appellant is said to have taken the son of the informant from his house on the pretext of joining a party and



committed his murder in association of his associates.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely on suspicion. Though he had allegedly taken the deceased from his house to join the party, but there is no other incriminating material collected during the course of investigation against the appellant indicating his complicity in the occurrence of murder of the deceased. As per the prosecution case itself, informant had interacted with the deceased in the party going on in village Maheshpur at 09:30 PM. No incriminating article has been recovered from the conscious physical possession of the appellant. There is no eye witness of the occurrence. Appellant has also no animosity with the deceased and no motive behind the occurrence is attributed to the appellant. Though so called confessional statement of the appellant has been recorded by the I.O., but in the said confessional statement there is no confession of the appellant regarding his complicity in the occurrence. Appellant has been languishing in custody since 10.05.2018.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellant is directed to be enlarged 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 1st Addl. Sessions Judge, Lakhisarai in connection with Lakhisarai SC/ST Case No. 51 of 2018 arising out of Piri Bazar P.S. Case No. 50 of 2018.

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

(Prakash Chandra Jaiswal, J)

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