

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4040 of 2019

Arising Out of PS. Case No.-402 Year-2019 Thana- MADHEPURA District- Madhepura

MD. SADRUL Son of Late Md. Muslim Resident of Village - Bhirkhi, Ward
No. 25, P.S.- Distt - Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nafisuzzoha

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 27-11-2019 Heard learned counsel for the appellant and learned
counsel for the respondent-State.

The appellant has challenged the order dated 14.08.2019 passed by the Additional District & Sessions Judge 1st-cum-Special Judge SC/ST Act, Madhepura in B.P. No.536 of 2019 in connection with Madhepura P.S. case No.402 of 2019 registered for the offences under Sections 302, 201, 120(B), 411 of the Indian Penal Code and Section 3(2) (v) of SC/ST Act, whereby the prayer made on behalf of the appellant for grant of bail has been rejected.

Prosecution case, in short, is that unknown persons committed murder of Kari Sada, who was the driver of tractor-cum-trailor of the informant.

It has been submitted on behalf of the appellant that the appellant is in custody since 8.5.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the appellant. It



is a case of last seen. Except for this, there is no other substantive evidence to suggest the implication of the appellant in this case.

On behalf of the respondent-State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to and sets aside the order dated 14.08.2019, refusing to grant bail to the appellant.

Let the appellant, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st-cum-Special Judge SC/ST Act, Madhepura in connection with Madhepura P.S. case No.402 of 2019.

The appeal stands allowed.

Narendra/-

(Sudhir Singh, J)

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