

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.940 of 2020**

Arising Out of PS. Case No.-212 Year-2019 Thana- MIRGANJ District- Gopalganj

RAKESH KUMAR, aged about 21 years, Male, Son of Kisun Yadav @ Kishun Chaudhari, Resident of Village-Pipra Khas, P.S-Mirganj, District-Gopalganj.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Sanjay Kumar Pandey No. 5, Advocate.
For the Respondent : Mr.Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 01-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the parties.

The matter relates to grant of bail to the appellant in connection with Mirganj P.S. Case No. 212 of 2019 registered for the offences under Sections 302, 201 of the IPC read with Section 3(2)(v) of S.C./ST(POA) Act.

The prosecution case, in short, is that on 29.08.2019 the daughter of the informant, namely, Pinki Kumari, went to attend the call of nature but she did not return. On 30.08.2019, her dead body was found. It is further alleged that Rakesh



Kumar (petitioner) used to talk with Pinki Kumari on Mobile. Earlier this appellant has given a Mobile to Pinki Kumari which was snatched by her mother. It is suspected that this appellant has killed Pinki Kumari and hanged her dead body on the tree.

It has been submitted on behalf of the appellant that the appellant is in custody since 25.09.2019 and has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the appellant. The final form was submitted by the police finding the case to be false against the appellant. Later on, the learned court below differed with the final form and took cognizance against the appellant. The name of the appellant has come in this case merely on the basis of suspicion. Except suspicion, there is no other substantive evidence to suggest the implication of the appellant in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 07.02.2020, passed by learned Additional District and Sessions Judge-I-cum-Special SC/ST Act, Gopalganj, in connection with Mirganj P.S. Case No. 212 of 2019, is set aside. The criminal appeal is allowed.



Further, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special SC/ST Act, Gopalganj, in connection with Mirganj P.S. Case No. 212 of 2019

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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