

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1680 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- KARPI District- Jehanabad

SHIV KUMAR S/o Laleshwar Yadav @ Lala Yadav Resident of Village-
Newana, P.S.-Karpi, District-Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kunwar Digvijay Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 07-12-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant against the order dated 9.6.2020 passed by the learned Additional Sessions Judge-I, Jehanabad whereby the prayer for bail of the appellant in connection with Karpi P.S. Case No. 2 of 2020 under section 302 of the Indian Penal Code and section 3(2)(v) of the SC & ST (Prevention of Atrocities) Act was rejected.

As per allegation in the FIR, the husband of the informant did not return home from his shop and it subsequently transpired that he was lying dead on the road side with his motorcycle nearby.



It is submitted by learned counsel for the appellant that the FIR was registered against unknown. The cause of death of the husband of the informant is stated to be a gun shot injury on his head. The name of the petitioner transpired subsequently in course of investigation when the close relatives of the informant stated, without disclosing their source, that it was the appellant and two others, who over a dispute relating to money, had a hand in the murder of the informant's husband. It is submitted that besides the unsubstantiated suspicion raised by the witnesses who are close relatives and the alleged confession stated to have been made before the police, there is no other material against the appellant. There is no eye witness to the alleged occurrence. The appellant has no criminal antecedent and he is in custody since 22.2.2020.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the appellant being in custody since 22.2.2020, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 9.6.2020 passed in Special SC/ST P.S Case no. 2/2020 by the learned Additional Sessions Judge 1st is set aside.



The appellant is directed to be enlarged on bail in connection with Karpi P.S. Case No. 2 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Jehanabad.

(Partha Sarthy, J)

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