

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2044 of 2021

Arising Out of PS. Case No.-417 Year-2016 Thana- FATUA District- Patna

RISHI KUMAR SON OF SANTOSH PRASAD SHARMA R/O VILLAGE-
GOVINDPUR, FATUHA, P.S- FATUHA, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. MITHLESH KUMAR A.S.I P.S- FATUHA, DIST- PATNA PATNA
3. SUJIT KUMAR, S.H.O CUM I.O. P.S- FATUHA, DIST- PATNA PATNA
BIHAR
4. SHIV BALAK RAM SON OF LATE RAM AVTAR RAM R/O VILLAGE-
BIKRAMPUR, P.S- FATUHA, DIST- PATNA AT PRESENT CHAUKIDAR
OF FATUHA P.S- FATUHA DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parshuram Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-07-2021 Heard Mr. Parshuram Singh, learned counsel

for the appellants and Mr. Sadanand Paswan, learned

Spl. PP for the State.

The appellant has challenged the order dated
03.02.2021 passed by the learned Additional Sessions
Judge III-cum-Spl. Judge, SC/ST Act, Patna in A.B.P.
No. 659 of 2021 arising out of Fatuha P.S. Case No.
417 of 2016/Spl. Case No. 517 of 2020, whereby the
prayer made on behalf of the appellant for grant of pre-



arrest bail for the offences under Sections 302, 201 and 34 of the Indian Penal Code and Sections 3(2)(va) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It has been alleged in the FIR that a dead body was recovered which was found to have been mutilated by several knife blows. The appellant is not named in the FIR. His implication in the present case is only on the basis of confession of one Golu Kumar who has been released on account of his juvenility.

The provisions of the SC/ST (Prevention of Atrocities) Act is said to have been inserted in this case after several years of lodging of this case.

Apart from this, it has been submitted that even the confession of aforesaid Golu Kumar does not make out any case of murder against the appellant. The charges under the other heads are also not made out.

For the facts aforesaid, the order dated 03.02.2021 is set aside.



The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III-cum-Spl. Judge, SC/ST Act, Patna in A.B.P. No. 659 of 2021 arising out of Fatuha P.S. Case No. 417 of 2016/Spl. Case No. 517 of 2020.

(Ashutosh Kumar, J)

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