

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3057 of 2021

Arising Out of PS. Case No.-64 Year-2021 Thana- KARJA District- Muzaffarpur

Ujjawal Kumar Singh Son of Prabhat Kumar Singh @ Babbu Singh Resident
of Village - Madwan, P.S. - Karja, Dist. - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 27-09-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed against order dated
16.06.2021 passed by learned Addl. Sessions Judge-III-cum-
Special Judge, SC & ST (Prevention of Atrocities) Act,
Muzaffarpur in Karja P.S. Case No. 64 of 2021, registered for
the offence punishable under Sections 363, 364, 302, 201 / 34 of
the Indian Penal Code and Section 3(1)(r)(s) / 2(v)(va) of SC &
ST (POA) Act, whereby the prayer for bail of appellant has been
rejected.

Initially, the F.I.R. has been lodged against unknown
with regard to missing of son of informant, but during course of
investigation, on the basis of written statement of one of the



witness namely Arbind Kumar for the alleged kidnapping and murder of son of informant, this appellant has been made accused.

It is submitted that Arbind Kumar is not the eye-witness of the alleged occurrence. Only material, which has come during course of investigation against the appellant, is that deceased was seen with this appellant and later on, this appellant alongwith co-accused Sonu Singh were seen throwing the dead-body of deceased. Nobody has claimed to have seen the killing of the deceased. At best, it is a case of disappearance of evidence and as such, Section 302 of the I.P.C. is not made out against this appellant. The appellant has got clean antecedent, and he is in custody since 11.03.2021. Chargesheet has already been submitted.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 16.06.2021 is, hereby, set aside and this appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-III-cum-Special Judge, SC & ST (Prevention of Atrocities) Act, Muzaffarpur in connection with



Karja P.S. Case No. 64 of 2021.

(Prabhat Kumar Singh, J.)

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