

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.392 of 2023**

Arising Out of PS. Case No.-714 Year-2022 Thana- KAHALGAON District- Bhagalpur

Shikendra Yadav @ Abhishek Kumar S/O Late Subodh Yadav R/O Village-
Bishanpur, P.S.- Kahalgaon, (Shivnarayanpur), Distt- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kumar Paswan S/o Late Darbari Paswan R/o Village- Vishanpur, ward
no. 7, P.S.- Shivnarayanpur, Distt- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ambrish Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 13-07-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

14.12.2022 passed by learned Additional Sessions

Judge-III-cum-Special Judge, SC/ST, Bhagalpur in

connection with Kahalgaon (Shivnarayanpur) P.S. Case

No. 714 of 2022 instituted for the offences punishable

under Sections 302, 201, 120(B) of the Indian Penal

Code, and Sections 3(2)(v) of the SC/ST Act whereby

his prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that on



15.07.2022, co-accused Prince Kumar @ Chhotu Kumar Mandal and Sunil Yadav came in the night at 11:30 P.M and took his son with them on the pretext of some party. Next morning at 8:00 A.M, the appellant and co-accused Suman Goshwami informed the daughter of the informant that her brother has been killed. Thereafter, the dead body of the deceased was found near Vikramshila Railway Station Platform.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is no specific accusation of murder of the deceased against the appellant. Nothing has been recovered from the conscious possession of the petitioner. There is no eye witness to the occurrence and the confession of the appellant before the police is not admissible in the eye of law. No consistent material evidence has been collected against the appellant during investigation. The appellant is in custody since 12.08.2022.



Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 14.12.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to 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-III-cum- Special Judge (SC/ST) Act, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 714 of 2022(SC/ST Case No. 116 of 2022).

(Sunil Kumar Panwar, J)

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