

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.498 of 2023**

Arising Out of PS. Case No.-257 Year-2022 Thana- BAKHARI District- Begusarai

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Bittu Kumar Son Of Suresh Mahto R/V- Ahmadpur, P.S.- Bakhari, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Kishore Sada Son Of Late Jiwach Sada R/V- Shadipur (Rampur), P.S.- Bakhari, District- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jai Kishor Poddar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 13.12.2022 passed by learned Exclusive Special Judge SC/ST Act, Begusarai in connection with Bakhari P.S. Case No. 257 of 2022 instituted for the offences punishable under Sections 302, 201, 120(B), 34 of the Indian Penal Code and Sections 3(1)(r)(s, 3(2)(va)(v) of the SC/ST Act whereby his prayer for being released on bail has been rejected.



As per prosecution case, the informant who is father of the victim girl lodged the present F.I.R alleging therein that on 07.08.2022 at about 4:00 A.M, his daughter aged about 20 years went to attend call of nature and did not return, thereafter, search was made. Later on, some villagers disclosed that she was murdered and her dead body is lying in the orchard.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R and the name of the appellant has transpired during investigation on the basis of confessional statement of co-accused Bikash Kumar. There is no eye witness to the occurrence. The appellant was not apprehended from the spot. The postmortem report of the victim does not support the allegation as alleged in the F.I.R and except confessional statement of the co-accused, no other cogent material evidence has come during investigation against the appellant to suggest the



involvement in the present occurrence. The appellant is in custody since 26.08.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent. Moreover co-accused Vikesh Kumar has been granted privilege of bail by a coordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 1056 of 2023.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have 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 13.12.2022.

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 Exclusive Special Judge,



SC/ST Act, Begusarai in connection with Bakhari P.S.
Case No. 257 of 2022.

(Sunil Kumar Panwar, J)

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