

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.879 of 2023

Arising Out of PS. Case No.-355 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Rishikesh Giri Son Of Vijay Giri R/V- Tekari, P.S.- Chenari, District- Rohtas

... .. Appellant/s

Versus

1. The State Of Bihar
2. Matar Nut Son of Daroga Nut R/v- Banarasiya (Red Light Area), P.S.- Sasaram (M), District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mithilesh Kumar Singh
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 12.01.2023 passed by learned Additional Sessions Judge-XVII-cum-Special Judge, SC/ST, Rohtas at Sasaram in connection with Sasaram(M) P.S. Case No. 355 of 2020 instituted for the offences punishable under Sections 396 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 in brief is that the



daughter of the informant was killed by unknown miscreants in her house and the valuable articles were taken away. It is alleged that she has been shot dead and empty cartridges were lying in her house.

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. There is no eye witness to the occurrence. The name of the appellant transpired in this case on the basis of confessional statement of co-accused Ashok Yadav who has already been granted bail by a coordinate Bench of this Court vide order dated 09.12.2021 passed in Cr. Appeal (SJ) No. 3713 of 2021. Nothing has been recovered from the conscious possession of the appellant. During investigation also, no substantial material evidence has been collected against the appellant to connect the appellant with the present crime. The appellant is in custody since 17.12.2022.

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 12.01.2023.

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 Sessions Judge-XVII-cum-Special Judge, SC/ST, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 355 of 2020.

(Sunil Kumar Panwar, J)

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