

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2609 of 2023**

Arising Out of PS. Case No.-300 Year-2022 Thana- KASBA District- Purnia

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RUPESH RISHI SON OF KAILU RISHI RESIDENT OF TARANAGAR PS
KASBA DISTRICT PURNEA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Praveen Kumar Agrawal, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 01-09-2023 1. Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. This is an appeal under Section 14 (A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for regular bail vide order dated 01.05.2023 passed
by the learned 1st Additional Sessions Judge, Purnea, in connection
with BA No.165/2023, arising out of Kasba P.S. Case No.300/2022,
F.I.R. dated 17.09.2022 registered under Sections 302 and 201 of the
Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

3. According to FIR, co-accused Munna Kumar Sah
stabbed in the stomach of the daughter of the informant.

4. Learned counsel for the appellant submits that the
appellant has clean antecedent and he has falsely been implicated in



the present case. He further submits that from perusal of the F.I.R., it appears that the appellant is not named in the F.I.R. The name of the appellant has been transpired during investigation on the basis of confessional statement of the co-accused namely Munna Kumar Sah and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the appellant in the present occurrence and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 18.09.2022.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant and submits that it has come during investigation that the appellant was also involved in the present crime in question along with co-accused namely Munna Kumar Sah and he was also involved in disposing the dead body of the deceased.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Purnea in connection with B.A No.165/2023, arising out of Kasba P.S. Case No.300/2022, with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his



absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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