

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3778 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Rajiv Kumar @ Champion Son Of Surendra Mahto @ Kamkhorahiya R/V-
Bishambharpur, Ailoth, P.S- Musrigharari, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Karpuri Das Son of Late Ram Swarup Das R/V- Latbasepura, P.S-
Musrigharari, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Kishor Poddar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 28.09.2022 passed by learned Special Judge, SC/ST Act, Samastipur in connection with Musrigharari P.S. Case No. 82 of 2022 instituted for the offences punishable under Section 302/34 of the Indian Penal Code, Section 3(2) (V) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

The prosecution case as emerging from the F.I.R. is that on 08.05.2022 at about 8:00 P.M., son of the informant went to attend the marriage at Vishambharpur.



When the son of the informant reached near the house of Dr. Nasim, four persons stopped his car and took him away with them. Thereafter, they killed and threw his dead body behind the Utkramit Madhya Vidhyaliaya Laatbasepur.

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 F.I.R. There is no specific over act alleged against the appellant. There is no eye witness to the alleged occurrence. Nothing incriminating has been recovered from the conscious possession of the appellant. During the investigation, the appellant was dragged in the present case mainly on the basis of the confessional statement of co-accused, namely, Ravi Kumar. Moreover, the co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2023 passed in Cr. App. No. 3634 of 2022. The appellant is in custody since 19.05.2022. A statement has been made in para 3 of the appeal that the appellant has no criminal antecedent.

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 28.09.2022 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with Musrigharari P.S. Case No. 82 of 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 Special Judge, SC/ST Act, Samastipur in connection with Musrigharari P.S. Case No. 82 of 2022.

(Sunil Kumar Panwar, J)

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