

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4000 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- PASRAHA District- Khagaria

Amarnath Kumar, S/o Kaleshwar Singh, Resident of Village- Chandibari, P.S-
Ranipatra, District- Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Binod Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Mrityunjay Kumar, Advocate
		Mr. Nisar Ahmad, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date : 29-11-2019

Heard learned counsel for the appellant and the learned counsel appearing on behalf of the State. Learned counsel for the informant is also present.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for regular bail, vide order dated 01.08.2019 passed by the learned Additional Sessions Judge-I, Khagaria, in connection with Pasraha P.S. Case No.61 of 2019 for the offence under Sections 394, 302, 34, 120B of the Indian Penal Code and Section 3(2)(v) of S.C./S.T. Act.

3. Learned counsel for the appellant submits that the



allegation against the appellant is that he along with Rakesh called the father of the informant on phone and thereafter the father of the informant left on his Scorpio and informed that he was going to Pasraha. The further case of the prosecution is that thereafter his father informed him that the above named persons along with three other unknown persons had trapped him and were making plan to kill him and that he had been driving the vehicle. It is further stated in the F.I.R. that his father made a call informing him that those persons who were travelling in his car had made the plan to kill him and this information was conveyed to the informant by his father while he was attending a call of nature. It is further submitted that later on, the father of the informant was found killed and while he had been stabbed, he rang up the brother of the informant Sunni Kumar who was informed by his father that he had been stabbed at several parts of the body and was lying in a pool of blood.

4. Learned counsel for the appellant, however, contends that the appellant had been dragged into this case merely on the basis of suspicion and there is no eye-witness to the present occurrence. Learned counsel further submits that since the investigation has now been completed, the appellant may be released on bail. He further submits that no T.I. Parade



has been conducted and his name has come on his own confessional statement made before the police, which has no evidentiary value.

5. Learned counsel for the informant, however, submits that it is a case of gruesome murder and the father of the informant had clearly communicated with the present informant and his brother with regard to the occurrence that some unknown miscreants were making conspiracy to kill him. It was submitted that there was enough material in the case diary to implicate the appellant.

6. Learned counsel for the State after perusal of the case diary submits that considering the fact that the appellant is a named accused who had gone with the father of the informant and also with one Rakesh Kumar and other unknown persons and there being ample material in the case diary to support the prosecution story, the appellant is not entitled to the privilege of bail.

7. Having considered the entire facts and circumstances of the case and upon consideration of the materials which has come in the case diary, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected.

8. However, the trial of the case may be expedited so



as to conclude within a period of nine months from the date of receipt/production of a copy of this order/judgment.

9. The appeal is consigned.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

