

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 2342 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- AKHODHIGOLA District- Rohtas

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AMARJET KUMAR @ KALIYA Son of Nanhak Singh @ Shiv Kumar Singh
Resident of Village - Bank, P.S.- Akorhi Gola, Distt.- Rohtas, (Bihar)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Ms Usha Kumari I, Special PP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 27-07-2021

This case has been listed today for consideration through
Video Conferencing.

2 Heard learned counsel for the appellant and the
learned Special Public Prosecutor (for brevity, *Special PP*)
appearing for the State of Bihar.

3 The appellant has preferred the present Appeal under
Section 14 - A of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for brevity, SC/ST Act), 1989
against the refusal of his prayer for regular bail vide order dated
27.02.2021 passed by Additional Sessions Judge I -cum- Special
Judge, Rohtas at Sasaram in a case registered under Sections
302/34 of Indian Penal Code and Sections 3 (2) (v) of SC/ST Act



in connection with Reg Case No 330 of 2020 arising out of Akorhi Gola Police Station (for brevity, *PS*) Case No 149 of 2020.

4 The case of the informant is that the appellant has called her son for assistance in catching the train. He has not returned in the night and next day in the wee hours at 5 am, dead body had been found near a pond. The informant has named the appellant along with the family members of one Riya Devi with whom it is alleged that the deceased was having an illicit relation.

5 The learned counsel for the appellant submits that the appellant has no concern with the family of Riya Devi. The investigation also has, at best, revealed that the appellant was talking on his mobile phone with the deceased. The said material is highly insignificant in view of the fact that the deceased, on his own volition, had accompanied the appellant when he had gone to call him from his home. In the investigation, witnesses have stated about seeing the appellant stabbing the throat of the deceased whereas no sharp cutting injury has been found on the neck of the deceased in the post mortem report. The implication of the appellant, therefore, is merely on suspicion. The submission is of false implication without any basis. It is further submitted that the appellant is in custody since 16.12.2020 and bears a clean past.



6 Learned Special PP has opposed the prayer for bail. She has submitted that the mobile phone call was found in the locality, where the deceased has been done to death, at the time of the alleged occurrence, as per material collected during the course of investigation.

7 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 27.02.2021 requires interference by this Court, which is, accordingly, set aside.

8 This appeal is allowed. The impugned order dated 27.02.2021 passed by Additional Sessions Judge I -cum- Special Judge, Rohtas at Sasaram in connection with Reg Case No 330 of 2020 arising out of Akorhi Gola PS Case No 149 of 2020 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Rohtas at Sasaram in Reg Case No 330 of 2020 arising out of Akorhi Gola PS Case No 149 of 2020 subject to the following conditions:



(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2021
Transmission Date	30.07.2021

