

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2867 of 2021**

Arising Out of PS. Case No.-611 Year-2020 Thana- SAHARSA SADAR District- Saharsa
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AMIT KUMAR S/O CHANDESHWARI SAH @ BABAJEE SAH R/o
village- Nayabazar Thakur Tola, Ward No. 2, P.S.- Saharsa, District- Saharsa

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s
=====

Appearance :

For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Adv.

Mr. Bhaskar Shankar, Adv.

For the Respondent/s : Smt. Usha Kumari no.1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-08-2021 Heard learned counsel for the parties through video conferencing.

This appeal has been preferred against the order dated 7.4.2021 passed by the learned Additional Sessions Judge III-cum-Special Judge, S.C. and S.T. (POA) Act, Saharsa whereby the prayer for bail of the appellant in connection with a case registered under section 302 and other sections of the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(va) of the S.C. and S.T. (Prevention of Atrocities) Act, was rejected.

As per allegations in the F.I.R., on the dead body of the husband of the informant having been discovered, a suspicion is raised by her that on 15.8.2020 at 8 a.m. as a result of altercation between her husband and the seven named



accused persons including the appellant herein, they had beaten up her husband and had threatened him of dire consequences. She suspects they have a hand in his killing.

It is submitted by learned senior counsel appearing for the appellant that from perusal of the F.I.R. itself, it would transpire that except for an unsubstantiated suspicion raised by the informant, there is no other material against this appellant. Further, no material has transpired in course of investigation to implicate the appellant in the case. The appellant is in custody since 17.8.2020 ie. for more than one year. Investigation in the case has concluded and his case stands on a similar footing to that of co-accused Chandeshwari Sah who has been enlarged on bail vide order dated 23.3.2021 (Annexure-3) passed in Cr. Appeal (S.J.) no.1159 of 2021.

Learned Special P.P. appearing for the State opposes the prayer for bail.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with grant of bail to co-accused Chandeshwari Sah, the appeal is allowed and the order impugned dated 7.4.2021 is set aside.

The appellant is directed to be enlarged on bail in



connection with Special Case no.94 of 2020 (arising out of S.C./S.T. Case no.611 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III-cum-Special Judge, S.C./S.T. (POA) Act, Saharsa.

(Partha Sarthy, J)

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