

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1791 of 2020

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

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AMARNATH KUMAR S/o Kaleshwar Singh Resident of Village- Chandibari
Ranipatra, District- Purnea.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar, Advocate

For the Respondent/s : Ms. Usha Kumar no. 1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 04-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 1.8.2019 passed by the learned 1st Additional Sessions Judge 1st, Khagaria whereby the prayer for bail of the appellant in connection with Pasraha P.S. Case no. 61 of 2019 registered under sections 394, 302, 120B and 34 of the Indian Penal Code and section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, was rejected.

The allegation against the appellant was that he along with one Rakesh had called the father of the informant on phone and taken him away. The father of the informant on telephone informed that the accused persons were making a plan to kill him and subsequently he was found killed with stab injuries and



his body was lying in a pool of blood.

It is submitted by learned counsel for the appellant that there is no material against the appellant except his confessional made before the police. He was not put on T.I. Parade. It is submitted that the earlier prayer for bail of the appellant was rejected vide order dated 29.11.2019 (Annexure-1) passed in Cr. Appeal(SJ) no. 4000 of 2019 wherein direction was given to the learned Trial Court to expedite the trial and to conclude the same within a period of nine months.

By order dated 1.12.2020 a report was called for from the learned Court below with respect to the stage of trial. A report contained in letter no. 143 of 2020 dated 14.12.2020 of the learned Additional District and Sessions Judge 1st-cum-Special Court, SC/ST Act, Khagaria has been received wherein it has been stated that as of now the Courts are running physically part time and that it is expected that the trial will be concluded within the next two months.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is not inclined to allow the instant appeal and the same is



rejected.

The learned Trial Court is directed to expedite the trial
and to conclude the same at the earliest.

(Partha Sarthy, J)

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