

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2970 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- DIGHWARA District- Saran

=====

Amarjeet Kumar, male, aged about 26 years, S/o Ravindra Rai, Resident of
Village- Paguaha, Kuraicha, P.S.- Dighwara, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Nawal Kishore Singh, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 14-09-2021 Heard Mr. Nawal Kishore Singh, the learned

Advocate for the appellant and Ms. Usha Kumari-1, the

learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
24.03.2021 passed by the learned 1st Addl. Sessions Judge-
Cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in
connection with Dighwara P.S. Case No. 303 of 2020,
instituted for the offences under Sections 302 and 201/34 of



the Indian Penal Code and Section 3(2)(v) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that the deceased was threatened by the appellant and others because of a dispute over accounting. Later, on the call of the appellant and others, the deceased went to the riverine area, never to come back. Later, his dead-body was recovered.

During the course of investigation, one Jitesh Rai was arrested and he has confessed about his guilt and has made an inculpatory statement indicating the participation of the appellant in the crime as well.

Aforesaid Jitesh Rai has been granted regular bail by a Bench of this Court *vide* order dated 05.07.2021 passed in Cr. Appeal (SJ) No. 1857 of 2021.

Regard being had to the nature of accusation against the appellant, even though it is based on suspicion and the *doctrine* of last seen, this Court is not inclined to grant anticipatory bail to him.

The prayer for interfering with the order refusing



to grant anticipatory bail to the appellant is, hereby, refused.

However, if the appellant surrenders before the Court below and seeks bail, his application shall be considered on its own merits, after taking into account the afore-noted grounds and the fact that one of the co-accused persons of this case has been granted regular bail by this Court, and an order shall be passed without being prejudiced by the fact that the present appeal on his behalf has not been entertained by this Court.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

