

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3286 of 2021**

Arising Out of PS. Case No.-353 Year-2020 Thana- DINARA District- Rohtas

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Amit Kumar @ Amit Kumar Singh @ Chhotu Kumar @ Chotu Kumar Singh,
S/O Late Ajit Kumar Singh, R/O Village-Birikala, P.S.-DINARA, District-
Rohtas (SASARAM).

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Priyanka Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-09-2021 Although the Stamp Reporter has pointed out an

issue of limitation, this Court finds that the appeal is required to

be treated within time in view of the several judicial orders

passed during the pandemic situation.

Heard learned counsel for the appellant and

Mrs.Usha Kumari 1, learned Special P.P. for the State.

The appellant in the present case is seeking setting

aside of the order dated 27.04.2021 passed in Registered Case

No. 08 of 2021 arising out of Dinara P.S. Case No. 353 of 2020

registered for the offence punishable under Sections 302,

120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act

and Section 3(2)(v) of the Scheduled Castes and Scheduled

Tribes Act by learned 1st Additional District and Sessions Judge-

cum-Special Judge, Rohtas at Sasaram whereby and whereunder the prayer for regular bail of the appellant has been rejected. He is in custody since 09.02.2021. Appellant has got one criminal antecedent in which he is on bail.

As per the prosecution story, all the five named accused persons had come on the residence of the informant where he was present with his brother. They called the brother of the informant and took him on the pretext of some work. It is alleged that the brother of the informant accompanied the named accused persons but till 10 P.M. he did not return home, thereafter his mobile phone was coming switched off. On the next day in the morning his dead body was found towards the western side of the village near Shiv Mandir.

Learned counsel for the appellant submits that it is a case of false implication of the appellant. No specific role has been assigned to this appellant and in course of investigation no material has come against him.

It is further submitted that considering the kind of materials which came in this case the two named co-accused Manish Kumar Singh and Anish Kumar Singh have been granted bail by learned coordinate Benches of this Court in Cr. Appeal (SJ) No. 3697 of 2021 and Cr. Appeal (SJ) No. 3262 of

2021.

Mrs.Usha Kumari 1, learned Special P.P. for the State has though opposed the prayer for bail of the appellant but at the same time she has fairly stated that from the materials on the record the case of the appellant cannot be distinguished from the cases of those who have been granted bail by learned coordinate Benches of this Court.

Considering the facts and circumstances of the case and the submissions noted above, this Court sets-aside the impugned order and directs release of the appellant above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Registered Case No. 08 of 2021 arising out of Dinara P.S. Case No. 353 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail

bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.