

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.687 of 2021

Arising Out of PS. Case No.-84 Year-2020 Thana- MOKAMAH District- Patna

Amit Kumar Akela @ Amit Kumar Son Of Ram Uchit Pahalman R/o village-
Lal Diara Khutha, P.S.- Pipariya, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandeep Kumar, Adv. Mr. Tej Narayan Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the informant	:	Mr. Mahesh Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-07-2021 Heard learned counsel for the petitioner, learned
Spl.PP for the State and learned counsel for the informant
through video conferencing.

The instant appeal has been preferred by the appellant for setting aside the order dated 7.10.2020 passed by the learned ADJ-X-cum-Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Special Case no.222 of 2020 arising out of Mokamah P.S. Case no.84 of 2020 registered under sections 307, 341 and 34 of the Indian Penal Code and section 3(va) of the SC/ST (Prevention of Atrocities) Act to which section 302 of the Indian Penal Code was added subsequently, was rejected.

As per allegation in the F.I.R., it is stated by the



informant that as a result of his wife having an extramarital affair with one Neeraj Singh, they were living separately. The appellant herein inspite of being married and having children had also married his daughter. It is stated that on the date of occurrence the appellant called the wife of the informant at 3 am in the night and thereafter she was shot. The son of the deceased was also accompanying her who saw the assailants with their face covered with towel on the motorcycle.

It is submitted by learned counsel for the appellant that the allegations as levelled against the appellant in the F.I.R. are false and concocted. No overt act has been alleged against the appellant. Neither in the F.I.R. nor in course of investigation was he named by the son of the deceased who was an eye witness to the occurrence. The appellant is in custody since 22.7.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. appearing for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the allegations as levelled in the F.I.R. are very serious in nature. The appellant inspite of his marriage has also married the daughter of the informant in presence of the Notary Public. He got insurance done in the name of the deceased with the



nominee being his first wife. Thus it is submitted that he had direct benefit arising out of the murder of the deceased in which he is actively involved.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the materials on record including the son of the informant not having named the appellant as the assailant and the appellant having remained in custody for about one year, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 7.10.2020 passed by the learned ADJ-X-cum-Special Judge, SC/ST Act, Patna in Special Case no.222 of 2020 arising out of Mokamah P.S. Case no.84 of 2020, is set aside.

The appellant is directed to be enlarged on bail in connection with Special Case no.222 of 2020 arising out of Mokamah P.S. Case no.84 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 ADJ-X-cum-Special Judge, SC/ST Act, Patna.

(Partha Sarthy, J)

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