

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3362 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -SHANKARPUR District- MADHEPURA

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1. Santosh Yadav S/o Bidyanand Yadav resident of village - Kabiyahi Tola,
Moura, Baghla, P.S. - Shankarpur, District - Madhepura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-12-2017 Heard the parties.

The petitioner seeks regular bail in connection with H.A.Case No.121 of 2017 rising out of Shankarpur P.S.Case no.17/17 registered for offences punishable under Sections 376(D), 506 and 34 of the Indian Penal Code and Section 3(i)(w)(ii) of SC/ST (POA) Act.

Earlier the prayer for bail of the petitioner was rejected with direction to the learned trial court to expedite the trial and try to conclude it as soon as possible and once the informant (prosecutrix) is examined in this case, he may renew his prayer for bail in this case.

Submission of the learned counsel for the appellant is that in this case altogether three witnesses have been examined including



the prosecutrix and though they have supported the case in chief but in the cross examination they have stated that they have not identified anyone as it was dark night. The appellant has remained in custody since 16.6.2017. He is ready to abide by any condition imposed upon him.

No one appears on behalf of the appellant.

Having heard both sides and considering the evidence of the informant and other witnesses in court, as they have not identified the appellant, let the appellant, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Madhepura in connection with Shankarpur P.S.Case no.17 of 2017 (H.A.No.121 of 2017), after setting aside the order dated 8.11.2017 passed in Shankarpur P.S.Case no.17 of 2017 (H.A.No.121 of 2017) by the learned Special Judge SC/St Act, Madhepura.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) It is made clear that the learned trial court shall try to conclude the trial within a period of six months. At the same time, the appellant shall co-operate in disposal of the trial, otherwise his prayer for bail shall be cancelled.



With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

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