

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.318 of 2021**

Arising Out of PS. Case No.-30 Year-2019 Thana- SC/ST District- Nalanda

BALINDRA ROY @ BALENDRA ROY Son of Late Ambika Roy Resident of Village-Siswaniya, Police Station-Uchkagaon, District-Gopalganj at present posted as Asstt. Sub-Inspector, Nagarnausa Police Station, District-Nalanda at Bihar Sharif

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Ramakant Sharma,Sr.Advocate Mr.Surendra Kishore Thakur,Advocate
For the Respondent/s	:	Ms. Usha Kumari, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 06-04-2021 Heard Mr. Ramakant Sharma, learned Senior Counsel for the appellant and Ms. Usha Kumari, learned Spl. P.P. for the State.

This is the second attempt of the appellant to obtain regular bail in connection with Bihar Sharif SC/ST P.S. Case No. 30 of 2019 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code read with Sections 3(i)(r)(s), 3(ii)(v)(a)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Earlier the prayer for bail of the appellant was rejected by learned predecessor Bench of this Court in Cri. Appeal (SJ) No. 4510 of 2019.

Mr. Sharma, learned Senior Counsel for the petitioner



has though attempted to take this Court in the merit of the allegations, having come across the earlier order of the learned predecessor court, this Court would refrain from going into the merit of the allegations at this stage.

The trial court's report has been received vide letter no. 21 of 2021 dated 19.03.2021 from the court of learned Additional Sessions Judge-1st-Cum-Special Judge, Nalanda at Biharsharif. According to this report, the learned trial court has been directed by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 4649 of 2020 while rejecting the prayer for bail of the co-accused Kamlesh Kumar who was S.H.O., Nagarnausa Police Station that the trial be concluded on day-to-day basis within 9 months.

In view of the aforesaid report, while refusing to grant bail to the appellant at this stage, this Court directs the learned trial court to follow the aforesaid direction in the present case as well and all endeavours be made to conclude the trial within nine months by fixing the matter on day-to-day basis. The public prosecutor incharge of the prosecution and the Superintendent of Police, Nalanda shall ensure that all the prosecution witnesses are produced on the date fixed in the matter. The defence shall also cooperate and for any reason not



attributable to the appellant if the trial is not concluded within a period of nine months from today, the appellant will be at liberty to renew his prayer for bail.

The 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'.

