

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2434 of 2022**

Arising Out of PS. Case No.-24 Year-2016 Thana- IMAMGANJ District- Gaya

MANAUWAR KHAN @ MANAUWAR HUSSAIN Son of Nooruddin
Haider Khan Resident of village- Kadirganj Malhari P.S- Imamganj, District-
Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Kumar Son of Chhotan Das Resident of village- Salai Tarh, Police
Station- Maigra, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Singh, Senior Advocate Mr. Sheikh Arkan Ahmad, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Anil Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

7 16-11-2022 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel
representing the informant.

The appellant has put to challenge an order dated
13.06.2022 passed by learned Exclusive Special Judge,
S.C./S.T., Gaya in Imamganj P.S. Case No. 24/2016 disclosing
commission of offence punishable under Section 302 read with
Section 34 of the Indian Penal Code, Section 27 of the Arms Act
and Section 3(2)(v) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989 whereby his prayer
for regular bail has been rejected.



The appellant's prayer for bail was earlier rejected by an order dated 09.06.2022 passed by learned Special Judge SC/ST Act, Gaya, against which an appeal was preferred before this Court giving rise to Criminal Appeal (SJ) No. 3327 of 2021 which was dismissed by an order dated 06.10.2021 with an observation that the trial be expedited and in the event the trial could not be concluded within six months from the said date, the appellant would be at liberty to renew his prayer for regular bail before the court below. Accordingly, the appellant filed an application for grant of bail before the trial court as the trial could not be concluded within six months. The said application has been rejected by an order dated 13.06.2022 passed by the learned Special Judge SC/ST Act, Gaya which is under challenge in the present appeal filed under Section 14-A(2) of the SC/ST Act.

Mr. Sanjay Singh, learned senior counsel appearing on behalf of the appellant has submitted that out of 9 prosecution's witnesses only one witness has so far been examined at the trial. He has further submitted that the appellant is in jail since 07.01.2020.

It is noteworthy at this stage that by earlier order dated 12.10.2020, a report was called for from the court below,



as regards the stage of the trial. A report has, accordingly, been received from the court of learned In-charge Exclusive Special Judge, SC/ST Act, Gaya from which it appears that only one prosecution witness has been examined so far and the court is vacant since 02.06.2022. It is apparent from the said report that the trial before the court below is proceeding with a very slow pace. The appellant, in such circumstance, cannot be allowed to remain in jail for an indefinite period on the ground of pendency of the trial.

Accordingly, the impugned order dated 13.06.2022 is set aside. Appeal is allowed.

Hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, S.C./S.T., Gaya in SC/ST Case No. 116 of 2020, arising out of Imamganj P.S. Case No. 24/2016.

(Chakradhari Sharan Singh, J)

Rajesh/Gaurav

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