

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45508 of 2022

In
CRIMINAL APPEAL (SJ) No.93 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- BHANGHA District- West Champaran

1. Awadhesh Prasad @ Awadhesh Subba, Late Laxman Prasad Resident of village - Rampur, P.S. Bhangaha, District - West Champaran.
2. Rabbi Kumar Subba @ Rabbi Subba, Son of Sri Awadhesh Prasad @ Awadhesh Subba, Resident of village - Rampur, P.S. Bhangaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed this petition for modification of the order dated 28.07.2022 passed in Cr. Appeal (SJ) No. 93 of 2022.

It has been submitted by learned counsel for the petitioners that the Special Court under SC/ST (POA) Act is vacant since long and for this reason, one of the conditions that bail bond of the appellants will be accepted only after framing of charge, if not already framed, could not be complied with. Moreover, the matter has been coming up for appearance of



other co-accused persons and unless all process are exhausted for their appearance, it would not be possible to frame charge against the appellants. Learned counsel seeks waiver of this condition.

Having considered the submission made on behalf of the petitioners, the order dated 28.07.2022 is modified to the extent that condition no. “(i) The bail bond of the appellants will be accepted only after framing of charge, if not already framed,” shall stand deleted and will be replaced by the condition that their bail bonds will be accepted subject to the conditions mentioned under Section 437 (3) of the Cr.P.C. and thus the order dated 28.07.2022 stands modified to the extent indicated above only.

Accordingly, this matter stands disposed of.

(Arun Kumar Jha, J)

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