

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1395 of 2023

Arising Out of PS. Case No.-4 Year-2020 Thana- HARINMAR District- Munger

Suman Kumar Singh @ Suman Singh S/o- Mahesh Singh Village- Raita Ps-
Harinmar Dist- Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinki Devi wife of Late Devendra Paswan, Village- Athsaihiya P.S.-
Harinmar Dist- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv. Mr. Jyoti Ranjan Jha, Adv.
For the Respondent/s	:	Ms. Usha Kumari No. 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 03-05-2023

Heard Mr. Kumar Rajdeep, learned counsel for the
appellant and Ms. Usha Kumari No.1, learned Special Public
Prosecutor for the State.

This is the second attempt wherein the appellant is
renewing his prayer for bail by filing the instant appeal under
Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act against the refusal of prayer for
bail vide order dated 23.06.2021 passed by learned Special
Judge (SC/ST Act)-cum-A.D.J.-I, Munger in Harinmar P.S. Case
No. 04 of 2020 registered under Section 302/34 of the Indian
Penal Code and Section 3(2)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act (hereinafter
referred to as the “SC/ST, Act”).



Earlier, the prayer for bail of the appellant was rejected vide order dated 15.09.2022 passed in Cr. Appeal (SJ) No. 395 of 2022 after taking into consideration the specific nature of accusation. While rejecting the prayer of the appellant, this Court had observed and directed the learned Trial Court to take all measures to expedite and conclude the trial as early as possible, and if there would not be any substantive improvement, the appellant would be at liberty to renew his prayer for bail after five months.

The status report was called for vide order dated 29.03.2023 and it has been apprised to this Court that till date out of eight charge-sheet witnesses, only five of the charge-sheet witnesses have been examined and the case is fixed for evidence of rest charge-sheet witnesses.

Learned counsel for the appellant submits that the appellant is in custody since 26.01.2021 and even as per the FIR, it is evident that the informant, who is claiming herself to be an eyewitness to the occurrence, has not made any specific allegation in her written report against anyone rather general and omnibus allegation has been levelled against all. However, during the course of investigation, improvement has been made and specific allegation has been levelled against the appellant.



The appellant is ready to give undertaking that he will fully cooperate in the trial and remain present on each and every date of trial till disposal of the case.

Learned counsel for the State vehemently opposes the bail application and submits that earlier the prayer for bail of the appellant was rejected and there is no overwhelming reasons to reconsider the matter afresh on merit. It is also submitted that the trial is likely to be concluded in near future. She lastly submits that the impugned order is dated 23.06.2021 and the present appeal filed on 20.03.2023, appears to be hopelessly barred by limitation in view of Section 14A(3) of the SC/ST Act. She submits that every appeal under this Section shall be preferred within a period of ninety days from the date of judgment, sentence or order in appeal from, provided that the High Court may entertain an appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within a period of ninety days. It is further provided that no appeal shall be entertained after expiry of period of one hundred and eighty days.

In response to the aforesaid submission, it is submitted on behalf of the appellant that since the appellant had



earlier approached this Court against the order dated 23.06.2021 in Cr. Appeal (SJ) No. 395 of 2022, which was well within the time and wherein his prayer for bail was rejected with an observation and liberty to renew his prayer after five months. Thereupon, the present appeal has been preferred in view of the liberty granted by this Court, thus this appeal may be treated in continuation of the earlier appeal, inasmuch as the order under challenge is also the same and one. Hence, Section 14A(3) of the SC/ST Act would not be attracted in present appeal. Lastly, an oral submission has been made to condone the delay, if any, in preferring the present appeal.

This Court finds substance in the submission of the learned counsel for the appellant. However, in view of the prayer, the delay pointed out by the Registry is, hereby, condoned.

Regard being had to the submissions made on behalf of the parties and considering the observation and the liberty granted to the petitioner as also the period of custody, coupled with the fair antecedent and there is no likelihood of conclusion of trial in near future, in complete defiance of Section 14(3) of the SC/ST Act, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act)-cum-A.D.J.-I, Munger in Harinmar P.S. Case No. 04 of 2020, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

- (i) The appellant will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the impugned order dated 23.06.2021 passed by learned Special Judge (SC/ST Act)-cum-A.D.J.-I, Munger in Harinmar P.S. Case No. 04 of 2020, is set aside and the appeal stands allowed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-05-2023
Transmission Date	05-05-2023

