

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1719 of 2023**

Arising Out of PS. Case No.-519 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

Mantu Paswan @ Muntun Paswan Son Of Late Mahesh Paswan Resident Of
Village Asadharpur, Thathan Buzurg, P S.-HAJIPUR Sadar, District Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunta Devi Wife Of Late Tarkeshwar Paswan Resident Of Village And Po-
Thathan Buzurg Ps- Hajipur Sadar, Distt- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vasant Vikas, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 12-04-2023

Heard learned counsel for the appellant, learned counsel
for respondent no. 2 and learned Spl. P.P. for the State.

It has been submitted by learned counsel for the appellant
that this is the 3rd attempt of the appellant to seek bail from this
Court. Earlier the prayers for bail of the appellant were rejected
vide order dated 16.07.2021 passed in Criminal Appeal (SJ) No.
1232 of 2021 by a Co-ordinate Bench of this Court and vide
order dated 22.09.2022 passed in Criminal Appeal (SJ) No. 1415
of 2022 by this Court. While rejecting the prayer for bail, this
Court directed the learned trial court to conclude the trial within
a period of six months, but till date trial has not been concluded
and there is no likelihood of early conclusion of trial.



Learned counsel appearing for respondent no. 2 submits that prosecution evidence in this case has been closed before the learned trial court, but due to the fact that Special Court under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is lying vacant and the In-charge court has no power to proceed with the trial and hence, the trial has not been concluded.

Having regard to the facts and circumstances and submissions made here-in-above as the trial is at the verge of conclusion, I am not inclined to grant bail to the appellant. Hence, the prayer for bail of the appellant is again rejected.

Accordingly, this appeal is dismissed.

However, the appellant is at liberty to move before the learned trial court if the trial is not concluded within a period of six months and the learned trial court is directed to consider the prayer for bail of the appellant on its own merit and without getting prejudiced by the order of this Court.

Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for conclusion of trial within two months. If the Special Court under SC/ST (POA) Act is lying vacant, it is but natural that the trial could not be concluded within the stipulated period.



Under these circumstances, let the matter be placed before Hon’ble the Chief Justice on administrative side for consideration regarding filling up vacant post of Special Judge, the SC/ST (POA) Act, Vaishali at Hajipur.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
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