

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2213 of 2023**

Arising Out of PS. Case No.-372 Year-2021 Thana- KHAJANCHI HAT District- Purnia

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Ankit Kumar son of Subedar Rai Village- Koshi Colony Ps- K.Hat Dist-
Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi wife of Birendra Uraon Mohalla- New JP Nagar Court Purnea
ward no-17, Ps- K.Hat Dist- Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ansul, Advocate.
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT**

Date : 02-08-2023

Heard Mr. Ansul, learned counsel appearing on
behalf of the appellant and Ms. Usha Kumari 1, learned Spl.
PP for the State. Despite valid service of notice none
appeared for opposite party no.2.

2. The appellant has preferred this appeal under
Section 14(A) (2) of the Schedule Caste/Schedule Tribe,
Prevention of Atrocities Act, (hereinafter referred to as
'SC/ST Act') against the order dated 13.04.2023 passed by
learned Additional District & Sessions Judge-I-cum-Special
Judge, SC/ST Act, Purnea in connection with Special SC/ST
Case No. 94 of 2021/CIS No.94 of 2021 arising out of K.
Hat P.S. Case No.372 of 2021, registered for the offences
punishable under Sections 364A, 302, 201, 120B and 34 of



the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

3. This is the second attempt made by the appellant as earlier the appeal preferred by him has been turn down by this Court vide order dated 04.08.2022 passed in Cr. APP (SJ) No.4423 of 2021 after taking into consideration the gravity of the offence of kidnapping for ransom and murder in a planned manner

4. While dismissing the appeal considering the fact that the appellant has been in custody since 27.05.2021, it was observed that the Trial court will take take all sincere endeavour to conclude the trial as early as possible.

5. Mr. Ansul, learned counsel for the appellant submits that during the pendency of the trial co-accused, namely, chunmun Kumar Jha @ Batish Kumar Jha and Md. Sakib @ Rahul on whose confession the dead body was recovered, their respective criminal appeals have been allowed by learned Co-ordinate Bench of this court in Cr. APP (SJ) Nos.1552 of 2022 and 1592 of 2022 vide order dated 09.02.2023 and 24.11.2022 respectively. At the same stretch he further submits that one another co-accused,



namely, Dulari Khatoon @ Rani, who is also said to be one of the conspirator in hatching the entire plan and actively participated has been allowed the privilege of bail in Cr. App (SJ) No.3311 of 2021 vide order dated 24.03.2022. He further drew the attention of this Court to the present status of the trial and with reference thereto he submits that till date, out of fifteen charge-sheet witnesses, only eight of the prosecution witnesses have been examined and there is no likelihood of conclusion of the trial in near future, apart from the fact that the witnesses who have been deposed before the Trial Court have not testified regarding any active involvement of this appellant. He further submits that the informant of this case has already been examined and there is no chance of tempering of the evidence or intimidating the witnesses. While concluding his submission, it is also submitted that the petitioner undertakes that he will fully cooperate in the trial till its conclusion and remain present on each and every date.

6. On the other hand, learned counsel for the State vehemently opposed the prayer made on behalf of the appellant and submits that the release of the appellant would certainly hamper the progress of the trial.



7. Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons on whose confession dead body has been recovered they have been allowed privilege of bail by allowing their appeal and there is no likelihood of conclusion of the trial in near future and as such to keeping the appellant behind the bar would serve no further purpose, let the appellant, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST Act, Purnea in connection with Special SC/ST Case No. 94 of 2021/CIS No.94 of 2021 arising out of K. Hat P.S. Case No.372 of 2021, 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.

8. Accordingly the impugned order dated 13.04.2023 is hereby set aside and the present appeal stands allowed.

9. It is expected that the learned Trial Court will take all necessary and sincere endeavour to conclude the trial as early as possible.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2023
Transmission Date	02.08.2023

