

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2345 of 2023**

Arising Out of PS. Case No.-712 Year-2021 Thana- KAHALGAON District- Bhagalpur

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Sujeet Singh @ Bullet @ Sumit Kumar Singh, Son of Atul Kumar Singh @
Atul Prasad Singh, R/o Village-Dhanokhar, P.S.-Sanokhar, District-Bhagalpur

... .. Appellant

Versus

1. The State of Bihar
2. Baijnath Tanti, Son of Late Baunki Tanti, R/o Village-Dhanaukhar, P.S.-
Sonokhar, District-Bhagalpur.

... .. Respondent

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Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Manish Kumar Singh, Advocate
For the Respondent/s	:	Ms. Usha Kumari-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 12-07-2023 Heard learned counsel for the appellant, and

learned Special Public Prosecutor appearing on behalf of the

State.

2. The appellant has preferred the present appeal

under Section 14A(2) of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the
Act’) for setting aside the order dated 10.02.2022 passed by the
learned 3rd Additional Sessions Judge-cum-Special Judge
(SC/ST), Bhagalpur in connection with S.T. No.467 of 2022
arising out of Kahalgaon P.S. Case No.712 of 2021 registered
under Sections 147, 302, 201 of the Indian Penal Code and



Section 3(i)(r)(s) of the Act but, later on, Section 3(2)(v) of the Act was added in the FIR.

3. Present appeal is well within limitation as prescribed under Section 14-A(3) of the Act.

4. Notice was issued vide order dated 05.07.2023 of this Court regarding present proceedings in terms of Section 15-A(2) of the Act to the informant.

5. It is submitted by learned Special Public Prosecutor that information already given to informant in terms of aforesaid order but, he failed to join the present proceeding.

6. The present is the second bail petition preferred on behalf of the appellant as his earlier prayer for bail was rejected by one of the learned co-ordinate Bench of this Court through Cr. Appeal (SJ) No.1007 of 2022 dated 18.08.2022 with a direction that the Trial Court to expedite the trial and to conclude the same within a period of nine months.

7. A submission was raised by Mr. Rajesh Kumar Singh, learned senior counsel while appearing on behalf of the appellant that the present prayer of bail on second occasion is of two reasons, firstly, the trial was not concluded within nine months as directed through Cr. Appeal (SJ) No.1007 of 2022 dated 18.08.2022 and secondly, court is vacant and as such the



appellant cannot be kept behind the bar for unlimited period of time on name of trial. It is submitted that trial is not likely to conclude in near future.

8. From perusal of the report as received from I/c, learned Trial Court, it appears that out of nine charge-sheeted prosecution witnesses, only four charge-sheeted witnesses have been examined so far, suggesting that trial is not likely to conclude in near future.

9. Considering the submissions and the report of learned Trial Court, it appears that the trial of appellant is not likely to conclude in near future and it was not so concluded within nine months as directed through Cr. Appeal (SJ) No.1007 of 2022 dated 18.08.2022, accordingly, the appeal is allowed and the impugned order dated 10.02.2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur in connection with S.T. No.467 of 2022 arising out of Kahalgaon P.S. Case No.712 of 2021 is set aside.

10. Consequently, the appellant, above-named, is directed to 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 the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur in



connection with S.T. No.467 of 2022 arising out of Kahalgaon
P.S. Case No.712 of 2021.

(Chandra Shekhar Jha, J.)

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