

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2809 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- BIHPUR District- Bhagalpur

Hawan Kumar Sah @ Hawan Kumar, S/O Late Jaleshwar Sah @ Jalo Sah @
Janandhar Sah, R/O Village- Hario P.S. Bihpur, District Bhagalpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Puja Devi D/O Singeshar Paswan R/O Village- Hario Ps. Maheshpur Dist.
Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Paras Nath, Advocate
For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-10-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. The present appeal has been filed against the order dated 13.07.2022 passed in Special SC/ST Case No. 60 of 2022, arising out of Bihpur P.S. Case No. 190 of 2022 by the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST, Bhagalpur.

3. Learned counsel for the appellant submits that earlier the bail application of the appellant had been rejected vide order dated 21.12.2022 passed in Criminal Appeal (SJ) No.2620 of 2022 granting liberty to the appellant to renew his prayer for bail 5 months from the date of conclusion of the trial.



While rejecting the bail application of the appellant, the trial court had also directed to release the appellant on bail imposing its own conditions so that he may not evade his appearance during trial, if evidence has not been concluded within 5 months from the date of framing of charge.

4. It also transpires to this Court that in the said order dated 21.12.2022, counsel for the petitioner upon specific query had informed that charge has already been framed against the present appellant and others, but today he submits that actually due to miscommunication, he had submitted before this Court that charge has already been framed against the present appellant and another.

5. In this view of the matter, this Court is not inclined to entertain the present appeal.

6. Accordingly, the present appeal is dismissed holding the same observation that the trial Court is directed to release the appellant on bail after 5 months from the date of framing of charge.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

