

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3843 of 2023**

Arising Out of PS. Case No.-329 Year-2018 Thana- BIDUPUR District- Vaishali

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Dharam Nath Singh @ Dharma S/O Rana Singh R/O Village - Mathura, P.S. - Bidupur

... .. Appellant

Versus

1. The State of Bihar
2. Uma Devi W/O Ranjan Rajak R/O Village - Khajbatti, P.O. - Chaksikander, P.S. - Bidupur

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 13-10-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. It is submitted by learned counsel appearing on behalf of the appellant that present is the second bail prayer as earlier prayer for bail of appellant was rejected vide order dated 07.07.2022 passed in Cr. Appeal (SJ) No. 3324 of 2021. It is pointed out by learned counsel that through the said appeal a direction was given to learned trial court to conclude the trial within a period of six months from the date of disposal of the aforesaid Criminal Appeal dated 07.07.2022. It is further pointed out that in the meantime, out of 12 charge-sheeted witnesses, six witnesses were already examined



whereas for rest of the prosecution witnesses all possible efforts were taken by the trial court despite of that the trial is still pending and, as such, the appellant cannot be kept behind the Bar till indefinite period in want of trial. Learned counsel further pointed out that the prayer for bail of co-accused namely, Bhagdeo Ray was also taken into consideration after rejecting earlier appeal by a learned coordinate Bench of this Court through Cr.Appeal (SJ) No. 1224 of 2022 dated 28.09.2022. While concluding argument, it is pointed out that the appellant is in custody since 08.03.2019.

3. Learned Special Public Prosecutor while opposing the prayer for bail submitted that the informant was informed through local SHO in terms of order dated 22.09.2023 of this Court, but he failed to join the present proceeding.

4. In view of the aforesaid facts and circumstances, as appellant is in custody since 08.03.2019, where as per available report trial is not likely to be conclude in near future, accordingly, the appellant named-above 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 Special Judge SC/ST,



Vaishali at Hajipur in connection with Bidupur P.S. Case No.
329 of 2018, subject to the conditions as laid down under
Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/Rajeev-

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