

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3608 of 2022

Arising Out of PS. Case No.-70 Year-2020 Thana- RANIYATALAB District- Patna

JUGANU SINGH, Son of Late Ashok Singh, Resident of Village- Ekbalganj,
Nisharpura, P.S.- Ranitablab, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. MAHESHWAR RAM, Son of Late Basant Ram, Resident of Village-
Saripur, P.S.- Sandesh, District- Bhojpur (Arrah)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Pd. Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-01-2023 Heard learned counsel for the appellant and learned Spl.
P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, 'SC/ST Act') against the refusal of his prayer for regular bail vide order 02.08.2022 passed by learned Additional District and Sessions Judge -III-cum- Special Judge SC/ST Act, Patna in a case registered under Sections 341, 323, 307, 302, 504/34 of the Indian Penal Code Section 27 of the Arms Act and Sections 3(1)(r)(s)/3(2) (v) of the SC/ST Act, arising out of Ranitalab P. S. Case no. 70 of 2020, Spl Case No. 162 of 2020.



The appellant has prayed for suspension of sentence and grant of bail, during the pendency of the appeal.

The petitioner has renewed his prayer for bail for the third time. The earlier two rejections are dated 05.04.2021 and 16.02.2022 in *Cr. Appeal (SJ) Nos. 514 of 2021 and 4156 of 2021* respectively. The rejection was after due consideration of the allegation against the appellant of having caused the fatal fire arm injury upon nephew of the informant.

The submission that there was no motive and that it was a case of false implication was considered and the prayer was rejected twice. The appellant by now has been in custody since 01.06.2020. It is in this circumstance that the Court had requisitioned a report regarding the stage of trial. The Special Court SC/ST has forwarded the report which shows that charge was framed against the instant appellant on 17.07.2021. Not a single witness has been produced by the prosecution parties, though summons and bailable warrants have been issued against the charge-sheeted witnesses. The report reveals no progress at the trial.

Learned Spl. P.P has opposed the prayer. In spite valid service of notice on O.P. No. 2, he has not appeared.

In view of the said circumstance and the specific assertion of the appellant that he is having no criminal antecedents, this Court is inclined to allow the prayer for bail of the appellant.

Prayer for bail of the appellant is allowed during the pendency of the appeal.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional District & Sessions Judge III -cum- Special Judge SC/ST,
Patna in connection with Spl Case No. 162 of 2020 arising out of
Ranitalab P. S. Case no. 70 of 2020, subject to the following
conditions:-

(i) That one of the bailors will be a close relative of
the appellant who will give an affidavit giving genealogy as to
how he is related with the appellant. The bailor will also
undertake to inform the Court if there is any change in the
address of the appellant.

(ii) That the appellant will be well represented on
each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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