

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3721 of 2022

Arising Out of PS. Case No.-20 Year-1999 Thana- PHULWARISHARIF District- Patna

=====

MUKESH CHAUHAN S/O VISHNU CHAUHAN Resident of Village-
Mitanchak Mushahari, P.S.- Gaurichak, District- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Tauri Devi wife of Suresh Manjhi resident of village- Mitanchak, P.S.-
Gaurichak, District- Patna

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Vijay Kumar Sinha, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 28-03-2023 Learned counsel for the appellant is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the appellant as well as
the learned Spl.P.P. for the State.

This appeal has been preferred on behalf of the
appellant under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting aside
the order dated 23.08.2022 passed by the learned Special Judge
SC/ST, Patna Special (SC/ST) Case No. 197 of 2018 in
connection with Phulwarisharif (Gaurichak) P.S. Case No. 20 of
1999, registered for the offences punishable under Sections 376



of the Indian Penal Code & Section 3(i)(xii) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

The appellant is accused for the offence of committing rape upon the daughter of the informant.

Learned counsel for the appellant has submitted that the petitioner approached this Court with a prayer to grant bail in the year 2019, and he filed a Criminal Appeal (SJ) No. 3116 of 2018. His bail petition was rejected vide order dated 11.01.2019, and while disposing of the bail application of the appellant, the trial court was directed to expedite the trial and conclude the same within a period of one year. When the direction of the Court was not carried out by the learned trial court within stipulated period the petitioner came again with a prayer to grant him bail and filed Cr. App. (SJ) No. 457 of 2020, that appeal was disposed of vide order dated 27.10.2021, and the appellant was directed to approach the trial court for grant of regular bail. He again filed a petition for regular bail before the court below, but it was rejected by the impugned order mentioning only that his bail petition has twice been rejected by this Court.

Learned counsel has further submitted that after a



lapse of four years, the trial is still continuing. The appellant is under custody since 07.03.2018.

Considering the above-mentioned facts and circumstances and also considering the period of incarceration and the clean antecedent of the appellant, he shall 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 learned Special Judge SC/ST Act, Patna in connection with Phulwarisharif (Gaurichak) P.S. Case No. 20 of 1999.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

SONALI/-

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

