

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4294 of 2023

Arising Out of PS. Case No.-159 Year-2021 Thana- PIPRA District- East Champaran

Bangali Sah @ Bangali Sahani Son of Late Samtola Sahani R/o vill - Amawa,
P.S. - Pipra, Dist. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Neeraj Karodi Son of Lahsan Karodi R/o vill - Pakridayal P.s. - Pakridayal,
Distt. - East Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-12-2023 Heard learned counsel appearing for the appellant and
learned Spl. P.P. appearing for the State.

2. As per office report, notice as issued vide order
dated 30.10.2023 has been served upon mother of informant.

3. Learned Spl. P.P. also submitted that the informant
was informed through concerned SP/SHO regarding present
proceedings.

4. It is submitted by learned counsel that prayer of
bail was rejected by this Court vide order dated 16.11.2022 by
considering all the available merits but a direction was also
issued thereof, as to conclude the trial within six months from
the date of receipt of copy of this Court order. Learned counsel



also referred to provision of Section 14(3) of the SC/ST (POA) Act, 1989, wherein it is specifically provisioned that when trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge-sheet.

5. It is submitted by learned counsel that appellant is in custody since 03.06.2021 i.e. about two and half years and not even a single charge-sheeted witness was examined and in view of aforesaid direction and provision of law, the appellant cannot be kept behind the bar for unlimited period in want of trial.

6. A report was also called for by this Court regarding stage of trial, which was made available to this Court vide Letter No. 634 dated 19.10.2023, wherein learned Special Court SC/ST, East Champaran, Motihari reported that the trial is at the stage of prosecution evidence and it transpires from the said report that not even a single witness was examined.

7. In view of aforesaid fact as not even a single witness was examined, where appellant is in custody since 03.06.2021, accordingly, the appellant, above named, is directed to be released on bail in connection with Trial (SC/ST) No. 433 of 2021, arising out of Pipra P.S. Case No. 159 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Eact Champaran at Motihari/concerned Court and also the following conditions:

“(i) That appellant shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the appellant.

(ii) That appellant shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the appellant, duly supported by the documents.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Chandra Shekhar Jha, J)

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