

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4372 of 2023**

Arising Out of PS. Case No.-460 Year-2020 Thana- RAJAOLI District- Nawada

Satyendra Yadav S/O Ishwari Yadav @ Ishwari Jadav Village- Bara, Ps. Rajauli, Dist. Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi W/O Satendar Das Village- Satgir, Ps. Rajauli, Dist. Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manisha Prakash, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 08-12-2023

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

02. This is the fourth attempt of the appellant to seek bail from this Court, as his prayer for bail was earlier rejected vide order dated 15.09.2023 passed in Criminal Appeal (SJ) No. 25 of 2022 and thereafter Criminal Appeal (SJ) No. 924 of 2023 preferred by the appellant was dismissed as not pressed vide order dated 26.04.2023 and Criminal Appeal (SJ) No. 3762 of 2023 was dismissed as withdrawn vide order dated 01.09.2023.

03. The present appeal has been preferred by the appellant under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against



the refusal of prayer for bail by order dated 31.08.2023 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities Act), Nawada, in connection with Special (H) Case No. 225 of 2020 arising out of Rajauli P.S. Case No. 460 of 2020 registered for the alleged offences under Sections 302, 201/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

04. As per the prosecution case, the husband of the informant was strangled by the appellant and co-accused on his refusal to supply firewood to them.

05. Learned counsel for the appellant submits that the appellant is in custody since 16.08.2021 and so far five witnesses out of total six charge-sheet witnesses have been examined in this case whereas there was specific direction of this Court to the learned trial court to conclude the trial preferably within a period of three months vide order dated 26.04.2023 passed in Criminal Appeal (SJ) No. 924 of 2023, but till date the trial has not been concluded. Learned counsel further submits that the evidence of informant has been recorded before the learned trial court and in her deposition, the informant has stated about co-accused Pappu Yadav who



strangled her husband. The said co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.04.2021 passed in Criminal Appeal (SJ) No. 1054 of 2021. Learned counsel further submits that except for the informant, none of the prosecution witnesses examined so far has supported the case of the prosecution, though three of them are father and other relatives of the deceased, respectively.

06. Learned Special P.P. for the State opposes the prayer for bail. Learned Special P.P. submits that except for delay in trial, no new fact has come in this case to reconsider the prayer for bail of the appellant.

07. Perused the record.

08. Perusal of record shows very sorry state of affairs prevailing prosecution of cases under the SC/ST (Prevention of Atrocities) Act. The report of the learned trial court shows despite the directions of this Court, it has failed to discharge its duty with sincerity, which was expected from it. Non-conclusion of the trial before the learned trial Court reflects as poorly as on its own performance as also on the working of the prosecution including the police authorities.

09. Having regard to the aforesaid facts and circumstances and submissions made on behalf of the parties



and considering the fact that appellant is in custody for more than two years and likely delay in trial and also the fact that the informant and other witnesses have already been examined in the case, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Nawada, in connection with Special (H) Case No. 225 of 2020, arising out of Rajauli P.S. Case No. 460 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

10. Accordingly, the impugned order is set aside and the appeal is allowed.

11. Further, the Superintendent of Police, Nawada, is directed to ensure the presence of remaining witnesses on each and every date, so that trial in such sanctity of matters is not



lingered on in the constitution of Special Court. The Superintendent of Police, Nawada, is also warned that if the witnesses are not produced on each and every date fixed by the learned trial court, he will be called before this Court to explain his conduct.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	08-12-2023
Transmission Date	08-12-2023

