

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4812 of 2023

Arising Out of PS. Case No.-336 Year-2019 Thana- PATNA CITY CHOWK District- Patna

HEMANT RAJ @ HEMANT KUMAR Son of Suraj Prasad @ Suraj Kumar
R/o Mohalla - Murcha Road, Punjab National Bank, P.S. - Chowk (Chauk),
Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Paswan Son of Late Raman Paswan R/o Mohalla - Begampur
Sidhe Bazar, P.s. - Bypass, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-12-2023 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
has informed that in compliance of the order dated 03.11.2023,
he has informed the informant but none is present on his behalf.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 05.08.2023 passed by learned Exclusive Special Judge
(SC/ST Act), Patna in connection with Chowk P.S. Case No.
336 of 2019 registered under Section 302/34 of the Indian Penal



Code, Section 27 of the Arms Act and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. This the second attempt of the appellant for bail before this Court. Earlier vide detailed order dated 16.12.2021, the prayer for bail of the appellant was rejected.

5. Vide order dated 03.11.2023, a report was called for from the learned Court below regarding the stage of the trial and the time likely to be taken in conclusion of the trial. In compliance thereof, the learned Exclusive Special Judge (SC/ST Act), Patna has *inter alia* reported that out of 8 charge sheeted witnesses only one witness has been examined as yet. It is further reported that bailable warrant against the rest non-official witnesses have been issued.

6. In the facts and circumstances of the case and considering the report of the learned Exclusive Special Judge, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Special Case No.502 of 2019, arising out of Chowk P.S. Case No.336 of 2019.



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

(Anjani Kumar Sharan, J)

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