

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.574 of 2024

Arising Out of PS. Case No.-193 Year-2021 Thana- MASHRAK District- Saran

Raju Mian @ Raju Alam S/O Md. Ali Ray R/O Village- Dighwa Dighauli,
P.S- Baikunthpur, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State Of Bihar.
2. Niraj Kumar S/O Raj Kishore Manjhi R/O Village- Dubauli, P.S- Panapur,
Distt.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 09-02-2024 Heard Ld. counsel for the appellant and Ld. Spl. P.P.
for the State.

2. This criminal appeal has been filed to enlarge the appellant on regular bail, impugning the order dated 23.06.2022 passed by Ld. Additional Sessions Judge-III cum- Special Judge SC/ST, Saran at Chapra in connection with SC/ST Mashrak 193 of 2021 arising out of Mashrak P.S. Case No. 193 of 2021 dated 11.04.2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 3(2)(V) of the SC/ST (Prevention of Atrocities) Act, 1989 whereby bail has been denied to the appellant.



3. Ld. counsel for the appellant submits that the appellant had moved this Court earlier for regular bail vide Cr. Appeal(SJ). No. 2401 of 2022, which was rejected with an observation that if the trial is not concluded within one year, the appellant is at liberty to renew his prayer for bail. He further submits that since the trial has not been concluded in the stipulated time, the appellant, vide present application, has renewed his prayer for bail.

4. In support of his petition, he has filed a copy of the order-sheet dated 22.12.2023 of the Trial Court saying that till date only charge has been framed and not a single witness has been examined.

5. Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded, order dated 23.06.2022 passed by Ld. Additional Sessions Judge-cum-SC/ST Saran at Chapra is set aside directing the appellant, abovenamed, to be enlarged on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court Below/Trial Court in connection with in connection with SC/ST Mashrak 193 of 2021 arising out of Mashrak P.S. Case No. 193 of 2021 on the following conditions:



(i) The appellant will make himself available for interrogation by a police officer/Court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, Ld. Court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding the previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

6. Ld. counsel for the appellant is directed to remove all the defects as pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of



this order only after removal of office objections.

7. Accordingly, the present bail application is allowed.

(Jitendra Kumar, J)

Shoaib/
Ravishankar-

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