

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.470 of 2024

Arising Out of PS. Case No.-163 Year-2020 Thana- KALYANPUR District- East Champaran

Ramesh Prasad @ Ratnesh Prasad, S/O Late Ajit Lal Sah, R/O Village- Pipra Khem, P.S.- Kalyanpur, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Choudhary, S/O Jagdeo Choudhary, R/O Village- Harpur Haridas, P.S.- Kalyanpur, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. along with Mr. Sheo Jee Mishra, Mr. S.B. Pandey and Ms. Diksha Kumari, Advocates
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-02-2024 Heard learned counsel for the appellant, informant and learned Spl. P.P. for the State.

2. Earlier, as per order dated 27.04.2023, bail of the appellant was rejected by this Court with a direction to the trial Court to expedite and conclude the trial within a period of nine months.

3. The appellant has prayed for regular bail in this case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 325, 326, 307, 302, 504, 506, 427 of the IPC and Section 3(1)(r)(s) of the SC/ST Act.

4. From the perusal of the progress report dated



20.02.2024, it appears that the case is at the stage of prosecution evidence, nine witnesses are listed in the charge-sheet to be examined and summons has already been issued to the private witnesses. It is also apparent from the said report that trial is likely to be concluded within six months but learned counsel for the appellant submitted that there is no hope to conclude the trial in the near future, whereas the appellant is languishing in judicial custody since 13.09.2021.

5. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the appellant, this court is inclined to enlarge the appellant on bail. The above named appellant is directed to be released on bail in connection with Kalyanpur P.S. Case No. 163 of 2020 on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Court, East Champaran, Motihari with a following conditions:-

(i) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(ii) Appellant shall remain physically present as directed by the Court and on his absence on two consecutive



dates, without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(iv) In case, if the appellant repeats offence of same nature his bail bond shall be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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