

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2766 of 2024

Arising Out of PS. Case No.-16 Year-2022 Thana- HULASGANJ District- Jehanabad

Chhotu Ram @ Biranjan Kumar Son of Sanjay Ram R/O Village- Mirzapur,
P.S.- Hulasganj, Dist.- Jehanabad

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Sima Devi Wife of Birendra Paswan R/O Village- Mirzapur, P.S.- Hulasganj,
Dist.- Jahanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. V.K. Prasad, Adv.
	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-07-2024 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 19.02.2024, passed by Ld. 1st Additional Sessions Judge-cum-special Judge, Scheduled Castes and Scheduled Tribes Act, Jehanabad arising out of Hulasganj P.S. Case No. 16 of 2022 (Special SC/ST Case No. 16 of 2022), whereby bail has been denied to the appellant.

3. Ld. Counsel for the appellant submits that prior to the present appeal the appellant has preferred Criminal



Appeal (SJ) No. 1810 of 2022 which was dismissed. However, it was stipulated that if the trial is not concluded within one year, the appellant would be at liberty to renew his prayer for bail. He further submits that since more than one year has passed and the bail application of the appellant moved before the Court below but his bail application has been dismissed by the impugned order dated 19.02.2024.

5.It has further been stated in paragraph no. 3 that the appellant has no criminal antecedent.

6. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

7. Considering the fact that the trial is not concluded within stipulated time, **the appeal is allowed** setting aside the impugned order dated 19.02.2024, passed by the 1st Additional Sessions Judge-cum-special Judge, Scheduled Castes and Scheduled Tribes Act, Jehanabad arising out of Hulasganj P.S. Case No. 16 of 2022 (Special SC/ST Case No. 16 of 2022), and directing the appellant to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-special



Judge, Scheduled Castes and Scheduled Tribes Act, Jehanabad 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 get hampered 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, the learned court below shall cancel the bail bond of the appellant 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 previous bail petition is wrong, the learned court below shall cancel the bail bond of



the appellant.

8. The appeal stands allowed, accordingly.

(Jitendra Kumar, J)

Ravishankar/
Ramesh/-

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