

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4232 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- SABAUR District- Bhagalpur

Rupesh Kumar S/o Late Prakash Yadav R/o Village- Ram Chandarpur, P.S. Gauradih (Sabour), District- Bhagalpur

... .. Appellant

Versus

1. The State of Bihar
2. Punam Devi W/o Late Sanjay Kumar R/o vill - Fazilpur, Danda Bazar, P.s. - Goradih, Distt. - Bhagalpur, at present residing at vill - Badhari, P.s. - Goradih, Distt. - Bhagalpur

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, APP Mr. Ambrish Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 31-01-2025 Heard Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the appellant, learned A.P.P. for the State and Mr. Ambirsh Kumar Jha, learned counsel for the informant.

2. The present memo of appeal has been filed on behalf of the sole appellant for grant of bail in connection with Special SC/ST Case No. 09 of 2023 arising out of Sabour (Goradih) P.S. Case No. 2023 registered for the offences under Sections 302/34 of the Indian Penal Code, section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. This is the second successive bail petition of the appellant after rejection of his first prayer of bail by this Court through Cr. Appeal (SJ) No. 2805/2023 dated 11.01.2024. The sole ground for filing the present successive bail petition is the custody period of the appellant as he remained in custody since 27.01.2023.

4. Considering the aforesaid submission, a report regarding stage of the trial was called for from the learned trial court, which was made available to this Court vide letter No. 4 dated 15.01.2025. It transpires from the aforesaid report of learned trial court that after framing of charge, out of 22 charge-sheeted witnesses, eleven (11) witnesses so far have been examined and learned trial court seeks 4 - 5 months' time as to conclude the trial as the court is heavy loaded with 2500 records.

5. Learned A.P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer of bail of the appellant, submitted that this Court on earlier occasion, after considering the every available merit of the case, rejected the prayer of bail of the appellant through Cr.



Appeal (SJ) No. 2805/2023 dated 11.01.2024. It is pointed out by learned counsel for the informant that progress of trial is satisfactory.

6. In view of the aforesaid, prayer of bail of the appellant is rejected. Learned trial court is directed to conclude the trial preferably within a period of six months from the date of receipt/communication of this order.

(Chandra Shekhar Jha, J)

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