

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5220 of 2023

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

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NAGA @ SONU S/O MANIKCHAND PRASAD @ MANIK CHANDRA
PRASAD RESIDENT OF ARFABAD BELDAR TOLA, PS. ALAMGANJ,
DIST. PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. RENU DEVI W/O LATE JAGGU CHAUDHARY R/O MOHALLA-
GUDD KI MANDI, PS. ALAMGANJ, DIST. PATNA.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shadab Akhter, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 27-06-2025 Heard Mr. Shadab Akhter, learned counsel for the

appellant and Mr. Sadanand Paswan, learned Spl.P.P. for the

State.

2. The instant appeal has been filed under Section
14A(2) of the SC/ST (Prevention of Atrocities) Act, 1989
against the order dated 14.07.2023 passed in connection with
Special Case No. 236/2021, arising out of Alamganj P.S. Case
No. 534/2021, registered for the offences punishable under
Sections 302 and 120B read with section 34 of the Indian Penal
Code, Section 27 of the Arms Act and Section 3(2)(va) of the
SC/ST Act whereby and whereunder the appellant's prayer for
regular bail has been rejected.



3. Learned counsel for the appellant submits that it is the second attempt of the appellant to get the relief of bail and the appellant preferred Cr. Appeal (SJ) No. 4041 of 2022 for the same relief which was rejected by this bench vide order dated 04.05.2023 considering his criminal antecedents as well as specific allegation levelled against him and also seriousness of the allegation and the fresh grounds for renewing the prayer are his incarceration period in jail which has been more than four years and secondly, only two out of five non- official witnesses detailed in the chargesheet have been produced and examined despite undertaking given by the informant's counsel for producing and examining the non-official witnesses before the trial court though, after undertaking two official witnesses have been examined but no non-official witness has been examined while the trial court is fixing the trial of the appellant on alternative dates but even then the informant or the prosecution is not taking any step to produce those non-official witnesses who have not been examined and the third ground is the grant of relief of bail to the accused, Balli Kumar @ Balliya by a co-ordinate bench of this court vide order dated 05.07.2024 passed in Cr. Appeal (SJ) No. 1197 of 2024.

4. Though, the learned Spl. P.P. appearing for the State



has opposed the bail prayer of the appellant but fairly accepts that the informant despite getting sufficient opportunities to produce and examine the non-official witnesses before the trial court, he has not produced the remaining three non-official witnesses.

5. Heard both the sides and perused the impugned order as well as other relevant materials. Though, appellant's bail prayer was rejected earlier considering the seriousness of the allegation but considering his present custody period which has been more than four years, as stated above, and prosecution's lingering attitude particularly of the informant in producing and examining the non-official witnesses despite the informant having given his own undertaking before this court to produce the non-official witnesses within next three months from 08.07.2024 and the matter was kept pending for getting the updates but, as per the appellant's counsel, only two out of five non-official witnesses have been produced and examined despite the appellant's trial being fixed on alternative dates, this court is of the view that the appellant is now entitled to the relief of bail as one co-accused, Balli Kumar @ Balliya carrying similar nature of allegation has already been granted bail by a co-ordinate bench of this court. Accordingly, the instant appeal



stands allowed and the order impugned rejecting the bail prayer of the appellant stands set aside. Let the appellant above named be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 236 of 2021, arising out of Alamganj PS case No. 534 of 2021, on following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(2) If the appellant tampers with the evidence or the witnesses then the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be a close relative of the appellant who has sworn affidavit in this appeal.

(Shailendra Singh, J)

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