

(2023) 04 PAT CK 0028

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 1719 Of 2023

Mantu Paswan @ Muntun Paswan

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 12-04-2023

Acts Referred:

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 14

Citation : (2023) 04 PAT CK 0028

Hon'ble Judges : Arun Kumar Jha, J

Bench : Single Bench

Advocate : Vasant Vikas, Sadanand Paswan

Final Decision : Dismissed

Judgement

Heard learned counsel for the appellant, learned counsel for respondent no. 2 and learned Spl. P.P. for the State.

It has been submitted by learned counsel for the appellant that this is the 3rd attempt of the appellant to seek bail from this Court. Earlier the prayers for bail of the appellant were rejected vide order dated 16.07.2021 passed in Criminal Appeal (SJ) No. 1232 of 2021 by a Co-ordinate Bench of this Court and vide order dated 22.09.2022 passed in Criminal Appeal (SJ) No. 1415 of 2022 by this Court. While rejecting the prayer for bail, this Court directed the learned trial court to conclude the trial within a period of six months, but till date trial has not been concluded and there is no likelihood of early conclusion of trial.

Learned counsel appearing for respondent no. 2 submits that prosecution evidence in this case has been closed before the learned trial court, but due to the fact that Special Court under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is lying vacant and the In-charge court has no power to proceed with the trial and hence, the trial has not been concluded.

Having regard to the facts and circumstances and submissions made here-in-

above as the trial is at the verge of conclusion, I am not inclined to grant bail to the appellant. Hence, the prayer for bail of the appellant is again rejected.

Accordingly, this appeal is dismissed.

However, the appellant is at liberty to move before the learned trial court if the trial is not concluded within a period of six months and the learned trial court is directed to consider the prayer for bail of the appellant on its own merit and without getting prejudiced by the order of this Court.

Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for conclusion of trial within two months. If the Special Court under SC/ST (POA) Act is lying vacant, it is but natural that the trial could not be concluded within the stipulated period.

Under these circumstances, let the matter be placed before Hon'ble the Chief Justice on administrative side for consideration regarding filling up vacant post of Special Judge, the SC/ST (POA) Act, Vaishali at Hajipur.