

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39827 of 2012

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The State Of Bihar

.... Petitioner/s

Versus

Vikram Mandal @ Bholu S/O Mohan Mandal Resident Of Village
Nawtolia, Police Station Sadar, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Abhimanyu Sharma, APP

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 01-08-2018

The present application has been filed on behalf of State of Bihar for cancelling the bail granted to sole opposite party vide order dated 14.03.2012 passed in Cr. Misc. No. 7661 of 2012 in connection with Darbhanga Sadar P.S. Case No. 444 of 2011 registered for the offences punishable under Sections 376(g) and 120B of the Indian Penal Code and Sections 3(1) (xi) (xii) of SC/ST (Prevention of Atrocities) Act.

The prosecution case as per the fardbeyan of Kirti Kumari recorded by S.I. Mithilesh Kumar Jha, Station House Officer, Darbhanga Sadar P.S. at Forensic Medicine Department, D.M.C.H. on 28.11.2011 at 10.00 hours, is to the effect that the opposite party, Vikram Mandal @ Bholu provided a mobile phone to the informant and asked her to talk. Subsequently, they developed some intimation. One day prior to the occurrence, the opposite party called the informant near a power house at 8.00



P.M. Subsequently, on the call of opposite party, the informant went there when a staff of the power house asked the informant to go back home, but while she was on the way to home, co-accused Ajay Paswan, Dipu and three unknown persons on pretext that the informant's parents were searching her concealed the informant in a bush and subsequently, ravished her. It is alleged against opposite party that he did not rescue the informant when she was being ravished by other co-accused persons.

This Court granted bail to opposite party vide order dated 14.03.2012 passed in Cr. Misc. No. 7661 of 2012 on the ground that the accusation of ravishing the informant was not against the opposite party. However, the present cancellation application has been filed on the ground that subsequent to the grant of bail, opposite party started threatening the father of the informant for getting the issue compromised, for which Station Diary Entry 196//2012 was made on 10.05.2012, as contained in Annexure-2 and subsequently, a proceeding under Section 107 Cr.P.C. was also initiated against opposite party on 14.05.2012 and in view of the said misuse of privilege of bail, the present cancellation has been filed.

This Court vide order dated 21.11.2012 issued notice to opposite party by ordinary process as well as registered



post. The office note dated 03.02.2015 reflects that notices were received by the opposite party himself. The matter was listed on 05.10.2016, whereby it was recorded that notices have been received by the opposite party, but none appeared on behalf of opposite party, hence, the matter was adjourned. Today also, none is appearing on behalf of opposite party.

Considering the fact that, prima facie, contention of the petitioner that the opposite party had misused the privilege of bail, has not been controverted by opposite party. Moreover, he chose not to appear even after receiving the notice of this Court, which also amounts to misuse of the privilege of bail.

In the circumstances, the bail granted to opposite party vide order dated 14.03.2012 passed in Cr. Misc. No. 7661 of 2012 in connection with Darbhanga Sadar P.S. Case No. 444 of 2011 is hereby, cancelled. It is expected from learned Chief Judicial Magistrate, Darbhanga to take all necessary measures to get opposite party arrested forthwith.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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