

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.243 of 2019

Arising Out of PS. Case No.-427 Year-2017 Thana- CHHATAPUR District- Supaul

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Dilip Mandal, aged about 54 years, Male, S/o- Dukha Mandal, resident of village- Chatapur, P.S.- Chatapur, District- Supaul.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bhaskar Shankar

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 13-02-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 26.11.2018 passed by learned **Additional Sessions Judge-Ist, Supaul** in connection with **SC/ST Case No. 300 of 2017 arising out of Chatapur P.S. Case No. 422 of 2017** registered under Sections 323, 366, 385, 504 and 34 of the IPC and Section 3 (I) (r) of SC/ST (Prevention of Atrocities) Act was added.

Informant has alleged that appellant along with other FIR named accused persons kidnapped his wife and demanded Rs.1,00,000/- as ransom and also threatened him to kill his wife.



It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on suspicion and except suspicion there is no incriminating material against the appellant. The FIR has been instituted after five months of occurrence. Informant suspects that FIR named five accused have kidnapped his wife. There is no eye witness to the alleged occurrence. He is in custody since 25.10.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

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

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at



liberty to move for cancellation of bail of the Appellant.

Accordingly, the impugned order is set aside and this
appeal stands allowed.

(S. Kumar, J)

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