IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.239 of 2019

Arising Out of PS. Case No.-49 Year-2018 Thana- DANDKHORA District- Katihar

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1. Dilip Kumar Mandal @ Dilip Kumar aged 48 years Male Son of Baldeo Mandal resident of Village- Sakrelli p.s.-Dandkhora district-Katihar
2. Kapil Mandal @ Kapil Kumar Mandal aged 26 years Male son of Dinesh Mandal Resident of village- Mohnipipra, p.s.-Dandkhora district-Katihar

... ... Appellant/s

Versus

The State Of Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Sourendra Pandey
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 06-03-2019 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 **14.12.2018** passed by learned **1st Additional Sessions Judge cum Special Judge, Katihar,** in connection with **G.R. Case No. 2251 of 2018 arising out of Dandkhora P.S. Case No. 49 of 2018** registered under Sections 376, 315, 341, 323, 504, 506/34 of the IPC and Section 3(1)(r)(s)(w)(1)(2), 3(2) VA of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is of compelling the Informant to take the medicine for terminating her

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pregnancy along with FIR named accused.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Appellant no. 1 is the Father-in-Law and Appellant No. 2 is the Brother-in-Law(Jeeja) of the Informant who is living separately with the family of the Informant. There is general and omnibus allegation against the appellants. Chargesheet has already been submitted in this case. Appellants have got no criminal antecedent. Appellant no. 1 is in custody since 29.11.2018 and Appellant No. 2 is in custody since 07.12.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- each 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) Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the Appellants tamper 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 Appellants.

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

(S. Kumar, J)

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