

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8664 of 2019

Arising Out of PS. Case No.-111 Year-2005 Thana- AMDABAD District- Katihar

1. ARJUN MANDAL, Son of Late Sahdeo Mandal, R/o village- Amdabad, P.S- Amdabad
2. Raj Kumar Mandal, Son of Sahdeo Mandal, R/o village- Amdabad, P.S- Amdabad
3. Pashupati Mandal, Son of late Sahdeo Mandal, R/o village- Amdabad, P.S- Amdabad
4. Dhani mandal, Son of Late Sahdeo Mandal, R/o village- Amdabad, P.S- Amdabad
5. Dilip Mandal, Son of Sahdeo Mandal, R/o village- Amdabad, P.S- Amdabad
6. Vijay Mandal Son of Late Sambhu Mandal R/o village- Amdabad, P.S- Amdabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

It is a case for misuse of bail granted to the petitioners who are accused in a case registered for the offences punishable under Sections 323, 341, 324, 325 and 504/34 of the I.P.C.

The prosecution case got initiated on the basis of written report of Satish Mandal submitted to the Station House Officer, Amdabad Police Station is to the effect that on 21.10.2005 at 5.30 A.M., the family members of the informant's family went in the nearby filed to ease out, in the



meantime, petitioner nos.1 and 3, Arjun Mandal and Pashupati Mandal respectively started passing derogatory remarks against them, which was being protested by them. Thereafter, the female family members of the informant disclosed this incident to the father of the informant, Ayodhya Mandal, Thereafter, Ayodhya Mandal went to enquire about the said incident from the accused persons, whereupon, six accused persons, named in the FIR, on the order of petitioner no.1, Arjun Mandal assaulted the father of the informant with a lathi causing him bleeding injury. It is further alleged that when the informant went to rescue his father, he was also assaulted by all the accused persons.

It is submitted by learned counsel for the petitioners that the petitioner was granted bail considering the merits of the case, but thereafter, since they went out of the State to earn their livelihood, they absented themselves from the learned Court below since 25.07.2017. As a result, the bail bond of the petitioners were cancelled vide order dated 20.09.2017 and they were declared absconder vide order dated 25.10.2017 and subsequently, non-bailable warrant of arrest was issued against them vide order dated 08.01.2019. Ultimately, they surrendered on 10.01.2019. It is further submitted that now the



petitioners undertake to appear regularly before the learned Court below on each and every date fixed.

Learned APP for the State submits that it is a case of misuse of bail granted to the petitioners.

It appears that neither the bail application of the petitioners nor does the impugned order suggest the earlier date of order by which the petitioners were granted bail, though the impugned order only suggests that it is a case of misuse of bail. The impugned order also does not suggest whether any progress was made between the period of 2005 to 2017 and particularly from the period when the petitioners absented themselves. Moreover, there is nothing on record to suggest that after surrender of the petitioners, any progress has been made in the trial. However, it is stated in paragraph no.6 of the petition that the matter is pending before the learned A.D.J.-cum-F.T.C.II, Katihar, after committed to the Court of session.

Considering the fact that no progress has been made for 12 years and the petitioners have already been surrendered and they undertake to appear regularly before the learned Court below on each and every date fixed, coupled with the fact that they were granted bail on merits, let the above named



petitioners be released on bail, on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of pending before the learned A.D.J.-cum-F.T.C.II, Katihar, being S.T. No.241 of 2008 arising out of Amdabad P.S. Case No.111 of 2005.

The bail bonds of the petitioners will be accepted on filing of separate affidavit to the effect that they will regularly appear before the learned Court below on each and every date fixed. However, the learned Court below will be at liberty to cancel the bail bonds of the petitioners, if they default for three consecutive occasions

(Dinesh Kumar Singh, J)

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