

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5063 of 2019

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

Bhola Kumar S/O Dilip Mandal, Resident of Village- Chatapur, P.S. -
Chatapur, District - Supaul.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-12-2019 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 16.08.2019 passed in A.B.P. No. 859 of 2019 arising out of SC/ST Case No. 300 of 2017 (Chatapur P.S. Case No. 427 of 2017) registered under Sections 323, 366, 385, 504, 34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned Additional Sessions Judge-Ist, Supaul.

Learned counsel for the appellant submits that the informant Dilip Ram has lodged this first information report



after about five months from the date on which his wife went missing. Informant states that he tried to search out his wife during all these period and then came to know that the five named accused persons had abducted his wife and when he contacted those persons then they abused the informant taking his caste name and asked him to come with a sum of Rs. 1,00,000/- to get back his wife. The informant has named Dilip Mandal who has allegedly threatened him to falsely implicate in some cases.

Learned counsel for the appellant submits that after about five months, this appellant has named among the five named accused persons but without any disclosure as to the source of information to the informant. In course of investigation so far no witness has come forward to support the allegations and in fact in the supervision the Superintendent of Police, Supaul has taken a view that any opinion with respect to the accusations against the named accused persons may be taken only after recovery of the wife of the informant. It has also come that the mother of the victim lady had second husband namely Dilip Mandal with whom she had some quarrel and only in order to falsely implicate him and his sons after few months this case was lodged.



Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail of the appellant.

Considering the facts and circumstances of the case, particularly the views expressed by the Superintendent of Police, Supaul the fact that till date no material has come to connect this appellant with the alleged occurrence, the impugned order in so far as it relates to the appellant is hereby set aside.

Let the appellant above named, in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist, Supaul in connection with SC/ST No. 300 of 2017 arising out of Chatapur P.S. Case No. 427 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade



him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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