

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.877 of 2020

Arising Out of PS. Case No.-936 Year-2019 Thana- JAHANABAD District- Jehanabad

BALWANT KUMAR @ KUNDAN MISHRA, (Male), aged about 23 years,
Son of Jitendra Mistry, Resident of Village - Muther, P.S.- Jehanabad
(Karauna O.P.), District- Jehanabad.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Mukul Prasad, Advocate.
For the Respondent : Mr.Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the parties.

The matter relates to grant of bail to the appellant in
connection with Special S.C./S.T. Case No. 181 of 2019, arising
out of Jehanabad Karauna P.S. Case No. 936 of 2019 registered
for the offences under Sections 498(A), 506, 379/34, 349 of the
I.P.C. and 3(1)(r) (s)(w), 3(2) (va) of SC/ST Act.

The prosecution case, in short, is that the marriage of
the informant was solemnized with this appellant two years
before from the alleged date of occurrence. Accused persons



earlier assaulted her for which a case was lodged at Mahila Police Station, Jehanabad on 12.05.2019. Again accused persons have assaulted her by saying caste name and ousted from the matrimonial house. This appellant who is the husband of the victim, took Rs. 35,000/- and her mother-in-law took Rs. 5,000/- from her and they were giving threatening to take away the life of her and they will solemnized another marriage.

It has been submitted on behalf of the appellant that the appellant is in custody since 23.12.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellant. The appellant is the husband of the victim. The occurrence has not taken place at a public place.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 01.02.2020, passed by learned Additional Sessions Judge-I, Jehanabad, in connection with Special S.C./S.T. Case No. 181 of 2019, arising out of Jehanabad Karauna P.S. Case No. 936 of 2019, is set aside. The criminal appeal is allowed.

Further, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of



learned Additional Sessions Judge-1, Jehanabad in connection with Special S.C./S.T. Case No. 181 of 2019, arising out of Jehanabad Karauna P.S. Case No. 936 of 2019

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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