

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1800 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- RAJAON District- Banka

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AMARJEET MANDAL S/o Jageshwar Mandal Resident of Village-Tekani,
P.S.-Rajoun, District-Banka. Appellant/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha, Advocate

For the Respondent/s : Ms. Usha Kumari, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-11-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 16.3.2020 passed by the learned Additional Sessions Judge I-cum-Special Judge, Banka whereby the prayer for bail of the appellant in connection with Rajoun P.S. Case no. 60 of 2019 registered under sections 363, 365,323,354,379 and 34 of the Indian Penal Code, section 27 of the Arms Act and section 3(1)(w) of the SC/ST(POA) Act to which sec 302 of the Indian Penal Code was added subsequently, was rejected.

As per allegation in the FIR, it is stated by the informant that the accused persons including the appellant who are the family members of her daughter-in-law came to her place, started to abuse and assault them and forcibly took away her daughter-in-law. They went away giving threats.

It is submitted by learned counsel for the appellant that the manner of occurrence as alleged in the FIR is false and concocted. It is submitted that the minor daughter of Mukeshwar Mandal was forcibly taken



away/kidnapped by the son of the informant for which an FIR was registered by Mukeshwar Mandal against the informant, her son and other family members. It is as a result of the aforesaid dispute that Mukeshwar Mandal and others have been falsely implicated in the case and the appellant has also been implicated for the reasons that he happens to be an agnate of co-accused Mukeshwar Mandal. The appellant has no criminal antecedent and is in custody since 28.2.2020. Investigation in the case has concluded.

The appeal is opposed by learned Spl. PP appearing for the State

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the appellant being in custody since 28.2.2020 and charge sheet having been submitted, the Court is inclined to allow the appeal. The appeal is allowed. The order dated 16.3.2020 passed in Rajoun P.S. Case no. 60 of 2019 by the learned Additional Sessions Judge I, Banka is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Rajoun P.S. Case no. 60 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, Banka.

(Partha Sarthy, J)

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