

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.337 of 2021**

Arising Out of PS. Case No.-309 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

RAMAKANT MAHTO S/o Late Lakshmi Mahto R/o village- Tirbirwan,
P.O.- Bhitbherwan, P.S.- Gopalganj, District- Gopalganj, State- Bihar

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Pratyush Kumar, Advocate

For the Respondent/s : Ms.Usha Devi, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 07-04-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Ms. Usha Kumari, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 27.08.2020 passed by learned 1st Additional District and Sessions Judge, Gopalganj in Gopalganj P.S. Case No. 309 of 2020 registered for the offences under Sections 364, 506, 504/34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Act, whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that as per the prosecution story the brother of the informant was missing since 11:00 P.M. of 31st May, 2020 and on search no trace came out. It is



stated that earlier the accused persons indulged in dispute with the informant's family and had issued threat. It is further alleged that the accused persons came to the house of the informant and indulged in abusing in the caste name of the informant and threatened to kill the family of the informant.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel submits that in fact both the family were having good relationship and it is because of that reason daughter of the appellant was talking to the son of the informant sometimes. It is further submitted that the daughter and the wife of the appellant has already been granted bail by this Hon'ble Court in Cri. Appeal (SJ) No. 803 of 2021.

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

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the appellant that the appellant has been falsely implicated in this case, the only reason for implicating the appellant is that in course of evidence it has transpired that on the alleged date of occurrence there were telephonic talk at least on 10 occasions from the mobile phone which is registered in the name of this appellant and that of the son of the informant, submission that in fact both the family were having good relationship and it is because of that reason daughter of



the appellant was talking to the son of the informant sometimes, the daughter and wife of the appellant has already been enlarged on bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 803 of 2020, so far as this appellant is concerned, he is a government servant working as a Peon in the Office of District Magistrate at Gopalganj, therefore, if released on bail his presence may be secured in course of trial, in the given circumstances, this Court sets aside the impugned order.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Gopalganj in connection with Gopalganj P.S. Case No. 309 of 2020, subject to the conditions as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the court below shall verify the



criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

