

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1994 of 2022**

Arising Out of PS. Case No.-258 Year-2020 Thana- BATHNAHA District- Sitamarhi

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SUJAY MANDAL S/o Ramdev Mandal R/o Village- Majhauriya, P.S.-
Bathnaha, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT**

Date : 20-10-2022

Heard learned counsel for the appellant and learned Special Public

Prosecutor for the State.

The appellant has filed the instant appeal against the order dated 18.05.2022 passed in Bathnaha P.S. Case No. 258 of 2020 by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi whereby and whereunder the prayer for bail of the appellant in connection with Bathnaha P.S. Case No. 258 of 2020 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1) (r) (s)/3, (2) (v) of the SC & ST (POA) Act was rejected.

As per prosecution case, allegation against the appellant is that appellant and others started assaulting the informant and his brother. It is further alleged that on the order of co-accused Bablu Jha one Gulgul Jha fired upon the informant's brother due to which informant's brother died.



It is submitted by learned counsel for the appellant that appellant is in custody since 16.04.2022 and bears criminal antecedent of one case. He further submits that appellant is one among them who is watching the dance programme as mentioned in FIR. There is no overt-act alleged against the present appellant and similarly situated co-accused namely Denish Jha @ Navneet Jha and Ravi Ranjan Mishra @ Ravi Ranjan Kumar have already been granted bail vide Cr. Appeal (SJ) No. 4534 of 2021 and Cr. Appeal (SJ) No. 2143 of 2021 respectively and the case of the present appellant stands on similar footing.

Learned Spl. P.P. for the State vehemently opposes the prayer for bail of the appellant.

Considering the facts and circumstances of the appeal, period of custody, no overt-act alleged against the present appellant, similarly situated co-accused have already been granted bail and argument advanced on behalf of both sides and also taking into consideration the material available on record, the impugned order dated 18.05.2021 is hereby set aside and present appeal is allowed.

The appellant is directed to be enlarged on bail in connection with Bathnaha P.S. Case No. 258 of 2020 on furnishing bail bond of Rs. 25,000/ (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Sitamarhi, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
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