

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44206 of 2022

Arising Out of PS. Case No.-20376 Year-2016 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Mantoo Singh @ Mantoo Singh Patel Son of Mahanth Singh Resident of
Village - Deurwa Chero tola, P.S.- Gopalpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Dulari Devi Wife of Mantoo singh Presently residing as Daughter of -
Lagan Dev Singh, Village - Bishambharpur, P.s.- Bishambharpur, District-
Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Gopalganj

Complaint Case No. 20376 of 2016 registered for the offence under

Section 498 A of the Indian Penal Code.

The accused/petitioner is in custody since 20.04.2022.

Due to cancellation of bail bond in Complaint Case No.

20376 of 2016, where petitioner was on bail, he is in custody since

20.04.2022.

Learned counsel appearing on behalf of the petitioner



submitted that this is the first misuse of the bail on behalf of the petitioner. It is further submitted that in fact this is not a case of misuse also and the bail bond was cancelled merely on the technical ground as witness was present and petition under Section 317 of Cr.P.C. as placed by this petitioner was not accepted by learned Trial Court. It is also submitted that the petition under Section 317 as placed by this petitioner was well explained as he was suffering from fever and under said compulsion he failed to appear before the learned Trial Court. It is also submitted that petitioner now undertake to be remained present under each and every date of hearing.

Learned APP duly assisted by learned counsel appearing on behalf of the informant while, opposing the prayer of bail fairly conceded the fact that this is the case of misuse.

Considering the facts and circumstances as mentioned above, as the petitioner was well represented through petition under Section 317 of Cr.P.C. on the date, when his bail bond was cancelled, let the petitioner, above named, is directed to be released on bail in connection with Gopalganj Complaint Case No. 20376 of 2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj/concerned Court, subject to the conditions as follows:

“(i) The petitioner must abide



the conditions what were imposed by the learned Trial Court, while granting anticipatory bail to this petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Mahanth Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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