

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2801 of 2021

Arising Out of PS. Case No.-273 Year-2019 Thana- PATAHI District- East Champaran

AVNISH KUMAR MANDAL Son of Gagendra Mandal Resident of Village -
Patahi, P.S.- Patahi, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Ram Narayan Baitha R/o vill- Bela Baju, P.S.- Patahi,
Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 07-12-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellant against the order dated 4.7.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari whereby the prayer for bail of the appellant in connection with Patahi P.S. Case no. 273 of 2019 under Sections 363, 265 of the Indian Penal Code but chargesheet has been submitted u/s 302, 201, 379, 120B/34 of the IPC and Sections 3(i)(r), 3(2)(V) of the SC/ST Act was rejected.

Earlier, the prayer of bail of the appellant was rejected



by order dated 1.12.2020 passed in Cr. Appeal (SJ) No. 1891 of 2020 by another co-ordinate Bench of this Court with a liberty to the appellant to renew his prayer after six months if the trial is not concluded.

In compliance of order dated 12.10.2023, a progress report dt. 19.10.2023 sent by learned Exclusive Special Judge, SC/ST Court, East Champaran, Motihari has been received by this court which suggests that trial is likely to be concluded within six months.

It is submitted by learned counsel for the appellant that trial has still been not concluded and there is no hope of concluding the trial in near future. Appellant is languishing in judicial custody for more than four years i.e. 30.8.2019.

As per allegation in the FIR, informant's husband was engaged as Nigh guard in Girls High School, Patahi and from there he went missing and his mobile was also getting switched off. It is further alleged that his dead body was recovered.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. On the basis of suspicion appellant, his brother and his father all were made accused in the present case. There is no eye witness of the alleged occurrence. No offence is made out under the provisions



of the SC/ST Act against him.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 4.7.2020 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Patahi PS Case No. 273 of 2019 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

