

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2679 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- MAINATAND District- West Champaran

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Ramakant Mahto Son of Jokhu Mahto Resident of Belwa Tola, P.S.-
Mainatand, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Keshwar Paswan Son of Late Tahal Paswan Resident of village Belwa Tola,
P.S- Mainatand, District- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey
For the Respondent No.1:		Mr. Binay Krishna
For the Respondent No.2:		Mr. Anant Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

- 3 04-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No. 2.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 30.05.2022,

passed by the Ld. C.J.M-cum-Spl. Judge, SC/ST, Bettiah,

West Champaran, arising out of Mainatand P.S. Case No.

119 of 2021, registered for the offences punishable under

Sections 147, 148, 341, 323, 325, 504 and 506 of the

Indian Penal Code and 3(i)(r)/3(2-a) SC/ST (POA) Act,



whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is that the informant and his family members were abused and assaulted by the appellant and their associates with iron rod, *Nalkatti, Chappal* etc., causing injuries to them.

The Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that only allegation against the appellant is not so serious. He also submits that appellant has assaulted on the person of the victim but not on head. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He also submits that appellant has been languishing in jail since 10.05.2022.

It has further been stated in paragraph no. 3 of the appeal that the appellant has been made accused in seven other cases.

It is also stated in paragraph no. 2 of the bail petitions that the appellant has not moved this Court earlier either for anticipatory bail or regular one.



However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail submitting that appellant has criminal antecedents of similar nature and there are already three cases lodged against this appellant under SC/ST Act.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 30.05.2022, passed by the Ld. C.J.M-cum-Spl. Judge, SC/ST, Bettiah, West Champaran, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. C.J.M-cum-Spl. Judge, SC/ST, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 119 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence



or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant 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.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, other than the disclosed one, the Ld. court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bonds of the appellant.

(vi) If the appellant commits offence of similar nature in future then the Trial Court will be at liberty to cancel the bail bonds of the appellant.



The Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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