

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2400 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BEERPUR District- Begusarai

RAJ KUMAR MAHTO SON OF LATE JARI MAHTO @ JHARI LAL
MAHTO R/O VILLAGE- TARI, P.S.- BHAGWANPUR, DISTRICT-
BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. INDU DEVI WIFE OF MAHESH DAS R/O VILLAGE- BARHARA
WARD NO.-05, P.S.- BIRPUR, DISTRICT- BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jai Prakash Singh
For the Respondent No.1:		Mr. Sadanand Paswan
For the Respondent No. 2:		Mr. Sanjay Kr. @ S.K. with Anjana

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 11-01-2023 Heard Ld. counsel for the appellant and 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 15.06.2022,

passed by the Ld. Exclusive Judge SC/ST (POA) Act,

Begusarai, arising out of Birpur P.S. Case No. 44 of 2022,

registered for offence punishable under Sections 341, 323,

504, 506, 307 of I.P.C. and Sections 3 (I) (r) (s)/3(2) (vi a)

SC/ST Act whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is



that when the informant and her son was going to Birpur UCO bank by a motorcycle, the appellant came there by a motorcycle and abused the informant and his son and also threatened to kill them.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no injury to the informant.

He further submits that the appellant has been languishing in jail since 27.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the appellant has two criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition 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.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order



dated 15.06.2022, passed by the Ld. Exclusive Judge SC/ST (POA) Act, Begusarai, 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. Exclusive Judge SC/ST (POA) Act, Begusarai in connection with Birpur P.S. Case No. 44 of 2022, **after framing of charge, if not already famed** 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, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent 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 learned court below shall cancel the bail bond of the appellant.

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)

ramesh/-

U		T	
---	--	---	--

