

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2526 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- PIPRAKOTHI District- East Champaran

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HARINARAYAN MAHTO Son of Babulal Mahto R/o village - Siswa Patna,
P.s.- Kalyanpur, District- East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ratan Gagrai son of Not Known S.I. Pipra Kothi, P.S.- Pipra Kothi, District-
East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Kant Singh
For the Respondent No.1: Mr. Binay Krishna A.G
For the Respondent No.2: None

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 11-01-2023 Despite valid service of notice nobody is present on
behalf of the informant/Respondent No.2.

Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 24.05.2022,
passed by the Ld. Special Judge, SC/ST Act, East



Champaran at Motihari, arising out of Pipra Kothi P.S. No. 104 of 2022, registered for offence punishable under Sections 147, 148, 149, 323, 332, 353, 225, 504, 506 of the Indian Penal Code and Sections 3(1) (r) (s) of the SC/ST (Prevention of Atrocities) Act and Section 37 of the Bihar Prohibition and Excise Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 07.04.2022 the informant got information that the accused of Pipra Kothi P.S. Case No. 160 of 2020 had come to his village Bishanpur. Upon information the informant proceeded to the said village where he was abused by taking his caste name by the persons assembled there.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case.

He further submits that the appellant has been languishing in jail since 07.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the appellant has no 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 24.05.2022, passed by the Ld. Special Judge, SC/ST Act, East Champaran at Motihari, 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. Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Pipra Kothi P.S. No. 104 of 2022, **after framing of charge, if not already framed** 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.

No unnecessary delay should be made at the point of framing of charge.

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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