

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2994 of 2022

Arising Out of PS. Case No.-239 Year-2020 Thana- BARHARA KOTHI District- Purnia

GHANSHYAM MANDAL Son of Sri Chhatish Mandal Resident of village -
Badiya, P.S.- Barhara (Raghubansh Nagar), District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotu Raj Son of Sri Gulay Rajak Resident of village - Arbanna, P.S.-
Barhara, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Kumar Anand
For the Respondent No-1:		Mr. Binay Krishna
For the Respondent No-2:		None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-01-2023 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 25.07.2022,

passed by Ld. 1st Additional Sessions Judge-cum- Special

Judge, SC/ST Act, Purnea, in connection with Special SC/ST

Case No 135 of 2020 arising out of Barhara (Raghubansh

Nagar) P.S. Case No. 239 of 2020 registered for the

offences punishable under Sections 341, 323, 307 504, 506



and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (1) (r) (s) and 3(2) (v) of the SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the appellant and his associates had abused the informant by using filthy words and they also fired gun shot on him which fortunately did not hit him.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that no person has been injured in this case. He also submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed yet.

He further submits that the appellant has been languishing in jail since 06.05.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in ten other cases.

It is also stated in paragraph no. 2 of the appeal that the appellant appellant has not moved this Court earlier



either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed, after framing of charge, if not already framed**, setting aside the impugned order dated 25.07.2022, passed by Ld. 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, Purnea, and directing the appellant to be enlarged 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 Ld. 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, Purnea in connection with Special SC/ST Case No 135 of 2020 arising out of Barhara (Raghubansh Nagar) P.S. Case No. 239 of 2020 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, 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, Ld. court below shall cancel the bail bonds 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)

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