

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3524 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- BAHERI District- Darbhanga

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MADNESHWAR MANDAL Son of Muneshwar Mandal R/o Atahar, P.S-
Baheri, Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi wife of Dilip Ram R/o Atahar, P.S.- Baheri, District-
Darbhanga

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Jiban Pd. Singh
For the Respondent No-1: Mr. Binay Krishna
For the Respondent No-2: None

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 18-01-2023 Despite valid service of notice, nobody is present
on behalf of 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 06.08.2022,
passed by Ld. 3rd Additional Sessions Judge cum Exclusive



Special Judge SC/ST Act, Darbhanga, in connection with Baheri P.S. Case No. 90 of 2022, registered for the offences punishable under Sections 341, 323, 324, 354(B) 379, 504, 506 and 34 of the Indian Penal Code, Sections 3(i)(r)(s)(wi) of the SC/ST Act, and later on Section 3(2)(va) 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 assaulted the informant and her cousin's father-in-law by iron rod and they also snatched informant's gold chakati.

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 case and counter case, for the alleged occurrence. 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 30.05.2022.

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



It is also stated in paragraph no. 2 of the appeal that the 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**, setting aside the impugned order dated 06.08.2022, passed by Ld. 3rd Additional Sessions Judge cum Exclusive Special Judge SC/ST Act, Darbhanga, 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. 3rd Additional Sessions Judge cum Exclusive Special Judge SC/ST Act, Darbhanga in connection with Baheri P.S. Case No. 90 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 trial court that the appellant has any criminal antecedents, the Ld. trial court 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 trial court that statement regarding previous bail appeal is wrong, the Ld. trial court 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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