

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3641 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- NARDIGANJ District- Nawada

Sudhir Mahto, Son of Suresh Mahto @ Suresh Prasad, R/V- Jagdishpur, P.S-
Nardiganj, Dist- Nawada

... .. Appellant

Versus

1. The State of Bihar
2. Dev Manjhi, Son of Late Somar Manjhi, R/V- Jagdishpur, P.S- Nardiganj,
Dist- Nawada

... .. Respondents

Appearance :

For the Appellant : Mr. Birendra Kumar
For the Respondents : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-02-2023 Despite service of notice, nobody is present on

behalf of 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 19.09.2022,

passed by Ld. Exclusive Special Judge SC/ST (P.O.A) Act,

Nawada, in connection with Nardiganj P.S. Case No. 130 of

2022, registered for the offences punishable under Sections

341, 323, 307, 504, 506 of the Indian Penal Code and Section

27 of the Arms Act and Section 3(i)(r)(s), 3(2)(v) of the SC/ST (P.O.A) Act ,



whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that on 18.05.2022 at around 11:45, while the informant was at his house, heard noise outside and came out. Consequently, a co-villager/Sudhir Mahto, armed with gun, shot at his leg and he fell down. Further, the informant was sent to hospital for treatment.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that as per injury report, assault has not been made on vital part of body. The victim has sustained injury in his leg. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 13.07.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in one other case in which he is on bail.

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, **the appeal is allowed**, setting aside the impugned order dated 19.09.2022, passed by Ld. Exclusive Special Judge SC/ST (P.O.A) Act, Nawada, 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. Exclusive Special Judge SC/ST (P.O.A) Act, Nawada, in connection with Nardiganj P.S. Case No. 130 of 2022, **after framing of charge, if not already framed**, subject to 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 get hampered 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 criminal antecedents other than the disclosed one, 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, 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)

chandan/-

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