

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3867 of 2022

Arising Out of PS. Case No.-493 Year-2022 Thana- SITAMARHI District- Sitamarhi

Monu Singh S/O Chitranjan Singh R/o Mohalla- Laxmi Nagar, Ward No. 3,
P.S.- Sitamarhi (Mehsaul O.P.), District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Mani Shree D/o Ram Kailash Ram R/v- Harpur Bhalha, P.S.- Bathnaha,
District- Sitamarhi, presently residing at Mohalla- Laxmi Nagar, Ward No.
3, P.S.- Sitamarhi (Mehsaul O.P.), District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Respondent	:	Mr. Jiwan Prakash Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 15-09-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 22.08.2022
passed by the learned Court of 1st Additional Sessions Judge
cum Special Judge SC/ST (POA) Act, Sitamarhi in connection
with Sitamarhi P.S. Case No. 493 of 2022, F.I.R. dated
27.07.2022 registered under Sections 341, 354(D), 504, 506/34
of the Indian Penal Code and Sections 3(1) (r) (s)/ 3(2) (v) v(a)
of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, this appellant



used to abuse the informant and her family members and he also sends vulgar messages through Whatsapp and also threatened her to kill her father and younger brother.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R is 19.07.2022 but the present F.I.R was instituted on 27.07.2022 i.e. after delay of 8 days without giving any explanation of the said delay. He further submits that it appears from the F.I.R that on the date of occurrence, the appellant has threatened the father of the informant but he has not filed any complaint before the police and after delay of 8 days, he has filed the present F.I.R. He further submits that from perusal of the F.I.R it appears that no case is made out under the SC/ST Act against the appellant. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 28.07.2022.

5. Vide order dated 04.08.2023 a report was called with regard to the stage of the trial. Report of the learned Trial



Court dated 09.08.2023 reveals that out of 8 charge sheet witnesses only 1 charge sheet witness has been examined as yet.

6. Learned counsel for the appellant submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the appellant is in custody since 27.07.2022.

7. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the appellant that he has sent vulgar messages to the informant and apart from that, the appellant carries four criminal antecedents other than the present one.

8. Considering the facts and circumstances of the case and the report of the learned Trial Court as well as period of custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 493 of 2022, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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