

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.230 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- MURLIGANJ District- Madhepura

Ajay Kumar Mandal S/O Vijendra Mandal Resident Of Nagar Panchayat
Murliganj, Ward No. 10 Ps. Murliganj, Dist. Madhepura.

... .. Appellant/S

Versus

1. The State of Bihar
2. Santosh Kumar S/O Bhupendra Ram Resident Of Nagar Panchayat,
Murliganj, Ward No. 10, Ps. Murliganj, Dist. Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Chand Prasad, Advocate
For the Informant	:	Mr.Basant Kumar Tripathi, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 02-05-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 08.12.2023 passed by learned 1st Addl.
Sessions Judge-cum-Special Judge, Madhepura whereby the
prayer for bail of the appellant in connection with Murliganj P.S.
Case No. 244 of 2023 under Sections 363, 366, 34 of the Indian
Penal Code and 3(i)(r)(s)(w) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, on the alleged
date and time, the sister of the informant had gone to purchase
soap but she did not return. On search, it was found that this



appellant had taken away informant's sister.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of twelve days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. He further submitted that there was love affair between the victim and this appellant and the allegations levelled against him are false and concocted. He further submitted that victim has denied for medical examination. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. Learned counsel further submitted that the matter has amicably been settled between the parties outside the Court. The appellant is in custody since 04.09.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant and submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.

6. On the other hand, learned counsel appearing on behalf of the informant has specifically stated that the matter has



amicably been settled outside the Court and therefore, the appellant may be enlarged on bail. He further submitted that as per paragraph no. 53 of the case diary, there was love affair between the victim and the appellant and allegations levelled against the appellant are false and concocted.

7. Considering the aforesaid facts and circumstances of the case, submission canvassed by the informant that the matter has amicably been settled outside the Court as well as the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08.12.2023 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Madhepura is, hereby, set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Murliganj P.S. Case No. 244 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the appellant.

(III) 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.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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