

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.167 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- BARAHAT District- Banka

Prakash Mandal @ Jai Prakash Mandal @ Jai Prakash son of Late Padarath
Mandal Resident of village - Pathara, p.s. Barahat, Dist. - Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Kumari Wife of Sanjay Kumar Chaudhry Resident of Vill. -
Bikrampur, P.S. - Asarganj, Distr. - Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Awnish Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr. Vibhakar Kumar, Adv.

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

ORAL ORDER

4 18-04-2024 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 23.11.2023 passed by

learned 1st Additional Sessions Judge, Banka whereby the

prayer for bail of the appellant in connection with Barahat

P.S. Case No. 235 of 2023 under Sections 420, 406 of the

Indian Penal Code and Section 3(1)(r)(s) of the Scheduled

Caste and Schedule Tribe Prevention of Atrocities Act, was

rejected.



3. The accusation against the accused/appellant is of taking Rs. 60,000/- from the Informant on the false pretext of getting him employed at Gram Rakshak Dal.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case for some oblique and malafide purposes. He submits that the date of alleged occurrence is about February, 2020-21 but, the FIR was lodged after more than two years and that too without any documentary proof of giving money for the purpose of employment. The appellant is aged about 70 years and is suffering from various ailments. 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. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 15.10.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the Informant have vehemently opposed the prayer for grant of



bail to the appellant.

6. At this stage, learned counsel for the appellant submits that the appellant is ready to pay Rs. 40,000/- to the Informant.

7. Learned counsel for the Informant accepts such offer made by the learned counsel for the appellant and states that he has no objection if the appellant is granted bail by this Court.

8. In view of the aforesaid submissions made by the learned counsel for the appellant, the appeal is allowed and order dated 23.11.2023 passed by learned 1st Additional Sessions Judge, Banka, is hereby set aside.

9. 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 Barahat P.S. Case No. 235 of 2023.

10. It is made clear that the appellant must pay Rs. 40,000/- to the Informant within a period of fifteen days from the date of release on bail.



11. If the appellant fails to pay the aforesaid amount of Rs. 40,000/- to the Informant within the time-frame, as stated above, the Informant will be at liberty to file an application for cancellation of the bail bonds of the appellant before the court below.

(Rudra Prakash Mishra, J)

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