

IN THE COURT OF SESSIONS JUDGE, BHAGALPUR.

CRIMINAL APPEAL NO. 18/2022

Naresh Mandal Vs. The State of Bihar

26.04.2022 Attendance has been filed on behalf of appellant.

Case called out and taken up for hearing on the point of admission.

Heard Sri Sunil Kumar, learned counsel for the appellant and Sri Satya Narayan Prasad Sah learned Public Prosecutor for the State.

On going through the impugned judgment and the case record, it appears that there is minor delay of 14 days caused in filing the instant criminal appeal. It further appears that a petition U/s 5 of the Limitation Act, explaining the reason for the delay caused in filing the same, has also been filed on behalf of appellant. The delay caused in filing the instant criminal appeal is *bona fide* and the same is liable to be condoned. Accordingly, the delay caused in filing this criminal appeal is hereby condoned and this criminal appeal is **Admitted** for hearing.

Put up on 19.05.2022 for hearing.

A bail petition has also been filed on behalf of appellant namely Naresh Mandal, stating therein that after conviction the appellant was granted provisional bail vide order dated 03.02.2022 passed by the learned Additional Chief Judicial Magistrate-VII, till filing of appeal. The appellant has never misused the privilege of provisional bail granted by the learned trial court. The appellant is ready to furnish fresh bail bond with sufficient sureties. Hence, the appellant may be granted bail.

On the other hand, learned Public Prosecutor opposed the prayer for bail but fairly conceded that earlier the appellant was granted provisional bail by the learned court below and he never misused the privilege of provisional bail.

Considering the aforesaid facts and circumstances of the case, the bail application of the appellant stands allowed. The appellant Naresh Mandal is directed to appear before the learned court below within one week from the date of receipt/production of a copy of this order and furnish fresh bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned court below.

Let a copy of this order be communicated to the learned trial court forthwith.

Sd/-
(S.G. Mishra)
Sessions Judge,
Bhagalpur.