

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.569 of 2017**

Arising Out of PS.Case No. -19 Year- 2016 Thana -SC/ST District- MUNGER

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Kapuri Mandal @ Karpuri Mandal, son of Mahendra Mandal, resident of Village- Jawayat, Police Station- Haveli Kharagpur (Sampur O.P.), District- Munger.

.... .... Appellant/s

Versus

The State of Bihar.

.... .... Respondent/s

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with

**Criminal Appeal (SJ) No.686 of 2017**

Arising Out of PS.Case No. -19 Year- 2016 Thana -SC/ST District- MUNGER

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Siya Ram Mandal @ Shyaram Mandal, Son of Ram Swarup Mandal, Resident of village - Jawait, Police Station Shampur O.P. ( Kharagpur ), District Munger

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

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with

**Criminal Appeal (SJ) No.922 of 2017**

Arising Out of PS.Case No. -19 Year- 2016 Thana -SC/ST District- MUNGER

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Bhirgunath Mandal Son of Basudeo Mandal, Resident of Village- Jawait, P.S.- Kharagpur, District- Munger.

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

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**Appearance :**

(In CR. APP (SJ) No.569 of 2017)

For the Appellant/s : Mr. Shivendra Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

(In CR. APP (SJ) No.686 of 2017)

For the Appellant/s : Mr. Ritesh Kumar Singh

For the Respondent/s : Mr. Smt Usha Kumari No-1

(In CR. APP (SJ) No.922 of 2017)

For the Appellant/s : Mr. Jyoti Ranjan Jha

For the Respondent/s : Mr. Smt Usha Kumari No-1



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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

5      08-08-2017                      All the appeals arise out of the same P.S.Case number and they have been heard together and are being disposed of by this common order.

Heard learned counsels for the appellants and learned Special P.P.

The three appeals have been filed for grant of bail in connection with SC/ST P.S.Case No. 19 of 2016 registered for the offences under Sections 302/34 of the Indian Penal Code and 3(1)(x), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant Kapuri Mandal and appellant Siya Ram Mandal is of being member of mob and allegation against appellant Bhirgunath Mandal is that he assaulted the deceased with khanti and stones.

It has been submitted on behalf of the appellants Kapuri Mandal and Siya Ram Mandal that there is no allegation against them of assault and as per FIR they were present at the place of occurrence and so far appellant Bhirgunath Mandal is concerned, there is allegation of assault with khanti and stones to the deceased.



Learned Special P.P. , who has opposed the prayer for bail of the appellants.

Having heard both sides and in view of facts and circumstances, as stated above, let the appellants, Kapuri Mandal @ Karpuri Mandal and Siya Ram Mandal @ Shyaram Mandal, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Munger, in connection with SC/ST P.S.Case No. 19 of 2016, subject to the following conditions :-

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail.



So far appellant Bhirgunath Mandal is concerned, in the facts and circumstances, his prayer for bail is rejected.

Learned trial court is directed to expedite the trial and try to conclude it within nine months. If trial is not concluded within the said period, appellant may renew his prayer for bail before the court of Special Judge, who will consider his application for bail and dispose of on the basis of materials available on record at that time, without being prejudiced by this order, if possible, on the same day.

Accordingly, Cr.Appeal Nos. 569 and 686, all of 2017 are allowed and the impugned orders are set aside. Cr.Appeal No. 922 of 2017 is dismissed.

**(Vinod Kumar Sinha, J)**

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