

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1455 of 2019

Arising Out of PS. Case No.-234 Year-2018 Thana- KHARHAGPUR District- Munger

Prakash Mandal @ Jai Prakash Mandal Son of Late Bhola Mandal Resident
of Village - Baijalpur, P.S.- Haveli Kharagpur, District - Munger.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 09-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 27.02.2019 passed by learned Special Judge (SC/ST Act)-cum-A.D.J.-I, Munger in connection with Kharagpur P.S. Case No.234 of 2018 registered under Sections 302, 307 & 324/34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Five accused persons including the appellant armed with sword and Bhujali are said to have intruded into the house of the informant scaling the wall during the night time



and made attack on the husband of the informant and on protest made by him Chhotu Rajak and Pawan Kumar caught hold the hand of her husband and Ashish and Prakash Mandal caught hold his leg then Pawan Mandal silted his neck by means of sword. When the informant and her son rushed in his rescue, they also assaulted them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. The brother of the deceased has confessed committing murder of the deceased over property dispute. On the basis of confessional statement of brother of the deceased the sword used in the occurrence was recovered. Appellant has no criminal antecedent and has been languishing in custody since 01.09.2018.

Learned Spl. PP for the State opposing the prayer for bail submitted that the appellant along with other accused persons committed murder of the husband of the informant by sword and Bhujali and the appellant has taken active part in the murder. Out of ten prosecution witnesses, six witnesses have been examined and informant has supported the case in toto.

In the facts and circumstances of the case, I am



not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within five months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Munger is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be sent to the Superintendent of Police, Munger for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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