

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1030 of 2022**

Arising Out of PS. Case No.-46 Year-2018 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Ranveer Mandal @ Prabhat Ranjan, S/o Bhagwan Mandal, Resident of
Kasmabad, P.S.- Sultanganj, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi, daughter of Rajkpoor Paswan, Resident of Munshipatti, P.O.-
Sultanganj, P.S.- Sultanganj, District- Bhagalpur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1453 of 2022

Arising Out of PS. Case No.-46 Year-2018 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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Pappu Mandal, S/o Ramful Mandal @ Ramrup Mandal, R/o village- Sahabad,
P.S.- Sultanganj, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi W/o Raj Kapoor Paswan R/o village- Munshipatti, P.S.-
Sultanganj, District- Bhagalpur

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 1030 of 2022)

For the Appellant/s : Mr.Indeshwari Prasad Mandal, Advocate

For the State : Mrs. Usha Kumari 1, Spl. PP

For the Informant : Mr. Purhottam Kumar Das, Addovate

(In CRIMINAL APPEAL (SJ) No. 1453 of 2022)

For the Appellant/s : Mr.Ranjan Kumar Jha, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 08-09-2022

Since both the appeals arise out from Special SC/ST

Case No. 48 of 2018 arising out of Rail Bhagalpur P.S. Case No.



46 of 2018, as such, they have been heard together and are being disposed of by this common judgment.

Heard learned counsel for the appellants and learned Spl.PP for the State as well as learned counsel for the respondent no.2.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 16.02.2022 and 22.03.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with Special SC/ST Case No. 48 of 20218 arising out of Rail Bhagalpur P.S. Case No. 46 of 2018, registered for the alleged offences under Sections 341, 324, 307, 302 and 34 of the Indian Penal Code, Section 24 of the Arms Act and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the appellants and co-accused surrounded the informant and her husband and appellant Pappu Mandal shot at the husband of the informant



with his pistol. The appellant Ranveer Mandal attempted to fire upon the informant but mother of the informant came in between them, and the shot hit the mother of the informant in her chest. Both the injured were referred to hospital where the mother of the informant was declared dead and the husband of the informant had been undergoing treatment. The occurrence took place in the background of dispute over sell and purchase of land in which the husband of the informant was also involved.

The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The dispute over sell and purchase of land is apparent in the FIR. There is nothing in the FIR to show that the offence under the provisions of SC/ST (POA) Act is made out against the appellants as it has nowhere been mentioned that the occurrence took place due to informant being a lady of SC/ST categories. From the FIR, it is also apparent that there was no intention to kill anybody and allegation against appellant Pappu Mandal for causing grievous hurt by firearm and allegation against Ranveer Mandal is concerned, it is not a case of murder rather it is a case of culpable homicide not amounting to murder. Even the husband of the informant is a criminal and was



involved in number of cases and for this reason any of his enemies might have attacked him and caused death of his mother. The appellant Ranveer Mandal has got one case pending against him in which he is on bail, whereas four cases are pending against appellant Pappu Mandal and he is also on bail in all four cases. Appellant Ranveer Mandal is in custody since 02.11.2022 and appellant Pappu Mandal is in custody since 14.06.2019.

Learned Spl. PP as well as learned counsel for the informant vehemently opposes the submission made on behalf of the appellants. It has been submitted by the learned counsel for the respondent no. 2 that there is specific allegation against both the appellants. Appellant Pappu Mandal fired upon the husband of the informant with intent to cause his death and appellant Ranveer Mandal caused the death of mother of the informant.

Perused the records.

The report of the learned trial court is received wherein it has been mentioned that the matter has been coming up for appearance of the co-accused persons. The learned trial court has further submitted that the trial is going to take six months.



Having regard to the submissions made hereinabove and considering the fact that the allegation against the appellant Pappu Mandal is that of attempted murder and appellant Ranveer Mandal is that of causing death of the mother of the informant and further considering the specific allegations which are quite serious and grave, I am not inclined to grant bail to the appellants.

Hence, their prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same within a period of six months from the date of receipt/production of this order, the period which has been mentioned in the above-noted report.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2022
Transmission Date	09.09.2022

