

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3887 of 2023**

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

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Pappu Mandal, Son of Ramful Mandal @ Ramrup Mandal, resident of Village
Sahabad , P.S.-Sultanganj District Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Raj Kapoor Paswan R/o vill - Munshipatti, P.S. -
Sultanganj, Distt. - Bhagalpur

... .. Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 15-09-2023

Pursuant to the order dated 01.09.2023, a report dated 04.09.2023 has been received from the learned trial court wherein he has annexed another report dated 21.08.2023 whereby the learned trial court has prescribed the reason for delay.

2. From perusal of this report, it appears that due to non-appearance of two bailed out co-accused persons namely, Guddu Mandal and Ashok Mandal, the trial did not proceed any further. The learned trial court has further submitted that the court is having pendency of more than two thousand four hundred cases. It seems there appears no possibility of early conclusion of trial. Hence, the matter needs to be heard.

3. Heard learned counsel for the appellant and learned Spl.PP for the State. Vide order dated 01.09.2023, the Spl.P.P. was



directed to apprise the respondent no.2 through the Senior Superintendent of Police, Bhagalpur about the proceeding taking place in this Court, but none is present on behalf of the respondent no.2 despite information.

4. 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 17.04.2023 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 G.R.P. 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.

5. As per the prosecution case, the appellants fired upon the husband of the informant and when the co-accused Ranveer Mandal tried to shoot the informant, the mother of the informant came in between them and the shot hit her. The mother of the informant died while being taken to the hospital and the husband of the informant suffered injury in the right side of the abdomen. 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.

6. The learned counsel for the appellants submits that



this is the second attempt of the appellant to seek bail from this Court as his prayer for bail was earlier rejected vide judgment dated 08.09.2022 passed in Cr. Appeal (SJ) No.1453 of 2022 with a direction to the learned trial court to conclude the trial within a period of six months. The learned counsel further submits that appellant is in custody since 14.06.2019 and there is no likelihood of early conclusion of the trial. The learned counsel further submits that the allegation against the appellant is only for causing the injury to the husband of the informant and there was no intention to cause death and hence no further assault was made. Utmost, it could be a case of causing grievous hurt by firearm. The learned counsel further submits that the appellant is having criminal antecedents of four cases and he is on bail in all such cases.

7. Learned Spl.PP opposes the submission made on behalf of the appellant. The learned Spl.P.P. submits that there is specific allegation against the appellant that he fired upon the husband of the informant and the same shows his intention to cause the death.

8. Perused the records.

9. Having regard to the facts and circumstances and the submission made on behalf of the parties and considering the report of learned trial court, which seems trial would further take time for its conclusion and further considering the period of



custody of the appellant, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with Special SC/ST Case No. 48 of 2018, arising out of G.R.P. Case No. 46 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

10. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2023
Transmission Date	18.09.2023

