

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3789 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

RAJ KUMAR MANDAL @ RAJU MANDAL Son of Haldhar Mandal R/o
Village-Harijan Tola, Puraini, P.S.-Jagdishpur, District-Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. SRI O.P. DAS Son of Jethu Das Resident of Village-Harijan Tola, Puraini,
P.S.-Jagdishpur, District-Bhagalpur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4705 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Suggan Harijan S/O Fodari Harijan Resident Of Harijan Tola Puraini, Ps.
Jagdishpur, Dist. Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. O.P. DAS S/O JHETHU DAS RESIDENT OF HARIJAN TOLA, PURAINI,
PS. JAGDISHPUR, DIST. BHAGALPUR

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3789 of 2023)

For the Appellant/s : Mr. Dhananjay Kumar Gupta, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

(In CRIMINAL APPEAL (SJ) No. 4705 of 2023)

For the Appellant/s : Mr. Md. Najmul Hodda, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 30-09-2024 Heard learned counsel for the appellants as well as

learned Spl. P.P. for the State.

2. This appeal has been preferred on behalf of the



appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 26.06.2023 and 16.08.2023, passed by the learned Additional Session Judge-3rd, Bhagalpur and Additional District and Sessions Judge-III-cum-Special Judge SC & ST Act, Bhagalpur respectively in connection with Jagdishpur P.S. Case No. 119 of 2023, registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code & Sections 3(i), 3(ii)(r)(s)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellants have been rejected.

3. As per allegation, appellants namely, **Raj Kumar Mandal @ Raju Mandal** and **Suggan Harijan**, Ranjan Harijan and Lalu Yadav @ Upender Yadav came to the house of the informant at about 8:30 PM on 07.03.2023 and they called his son namely, Santosh Das (deceased) to celebrate *Holi*. It is further alleged that the accused persons took away his son and the next morning the dead body of the informant's son was recovered.

4. The learned counsel for the appellants has submitted that there is no eye-witness to the alleged occurrence. On the basis of suspicion, the name of the appellants has been figured in this case. The appellants having no criminal



antecedent and they are in custody for more than one year.

5. Learned counsel for the informant and learned Spl. P.P. for the State have opposed the prayer of bail by submitting that the appellants are named in the FIR and they called the son of the informant. They submitted that the appellant namely, **Raj Kumar Mandal @ Raju Mandal** has confessed his guilt and stated that he tied *Gamcha* around the neck of the deceased and further stated that the appellant namely, **Suggan Harijan** has inflicted knife blow upon the deceased's neck. The appellant namely, **Raj Kumar Mandal @ Raju Mandal** has also named the other co-accused Aman Mandal, whose prayer of bail has been rejected by a Co-ordinate Bench of this Court in Cr. APP (SJ) No. 3819 of 2023 vide order dated 18.01.2024 with a direction to the trial Court to expedite the trial and conclude the same as soon as possible.

6. Considering the above mentioned facts and circumstances of the case as well as the fact that a direction was given nine months ago for concluding the trial and it is expected that much progress might have been done in the trial, this Court is not inclined to allow this appeal.

7. Accordingly, the appeal stands rejected with a direction to trial Court to conclude the trial within a period



of nine months, failing which, the appellants will be at liberty to renew their prayer for bail.

(Nawneet Kumar Pandey, J)

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