
(2020) 01 JH CK 0239

In the Jharkhand High Court

Case No : Criminal Appeal (D.B) No.341 Of 1993 (P)

Vipin Bihari Mahto And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 17-01-2020

Acts Referred:

Citation : (2020) 01 JH CK 0239

Hon'ble Judges : Shree Chandrashekhar, J;Deepak Roshan, J

Bench : Divison Bench

Advocate : R.S Mazumdar, Nishant Kr. Roy, Pankaj Kumar

Final Decision : Allowed

Judgement

I.A Nos.7621 of 2019 and 7622 of

Seven appellants, namely, Bhim Prasad Mahto, Arjune Prasad Mahto, Lakhiram Mahto, Radhika Mahto, Ram Prasad Mahto, Gahnu Mahto and Vipin

Bihari Mahto were granted bail by this Court vide orders dated 30.07.1993 and 14.10.1993.

Thereafter this criminal appeal was posted for hearing on 11.12.2018. By the said order, the officer-in-charge of the concerned police station was

directed to serve the notice of hearing of this criminal appeal upon the appellants and in compliance of the order dated 11.12.2018 a report was

produced in the Court stating that notice has been served upon all the appellants, except the appellants, namely, Gahnu Mahto and Radhika Mahto. In

the mean-time, the appellant no.1-Gahnu Mahto and the appellant no.6-Radhika Mahto have passed away.

It appears that in view of the reports submitted by the officer-in-charge, Thakur Gangti, Meherma P.S, the bail granted to the appellants, namely, Vipin

Bihari Mahto, Bhim Prasad Mahto, Arjune Prasad Mahto, Lakhiram Mahto and Ram Prasad Mahto was cancelled.

Interlocutory Applications vide I.A Nos.7621 of 2019 and 7622 of 2019 have been filed for grant of bail.

Sri R.S. Mazumdar, the learned Senior counsel for the appellants states that the appellants, namely, Bhim Prasad Mahto, Arjune Prasad Mahto and

Ram Prasad Mahto have been taken into custody on 22.06.2019. In respect of the appellants, namely, Vipin Bihari Mahto and Lakhiram Mahto it is

stated that on account of their engagement outside the State they could not prosecute this criminal appeal and for no fault of theirs their bail-bonds

have been cancelled.

Since these appellants have been granted bail by a co-ordinate Bench of this Court, on merits we cannot examine their cases and the order dated

29.04.2019 has been passed primarily due to absence of the learned counsel for the appellants.

Accordingly, it is ordered that the appellants, namely, Bhim Prasad Mahto, Arjune Prasad Mahto and Ram Prasad Mahto shall be released on bail on

their furnishing an undertaking before the court below that whenever their presence is required they shall make themselves present before this court

and ensure that when this criminal appeal is taken-up for hearing they are represented through their learned counsel.

The appellants, namely, Vipin Bihari Mahto and Lakhiram Mahto are directed to surrender before the court below and on their furnishing a similar

undertaking in the court below they shall also be released on bail, preferably on the same day.

I.A Nos.7621 of 2019 and 7622 of 2019 are allowed.

Post this criminal appeal in the month of April, 2020.

The learned assisting counsel shall prepare a tabular chart on the prosecution's evidence disclosing specific role played by each of the surviving appellants.

Let a copy of the order be given to the learned assisting counsel to Mr. R.S. Mazumdar, the learned Senior counsel and the learned Spl. P.P.

Let a copy of the order be transmitted to the court concerned through 'Fax'.