

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

(Criminal Appellate Jurisdiction)

**Criminal Appeal (DB) No. 115 of 1995(R)**

Ribu Mahato, s/o Jagannath Mahato, r/o village-Bansa, PS-Chandil, District-Singhbhum (West) ... **Appellant**

Versus

The State of Bihar

... **Respondent**

**With**

**Criminal Appeal (DB) No. 136 of 1995(R)**

Suresh Singh Sardar, s/o Late Saraban Singh Sardar, r/o village-Bansa, PS-Chandil, District-Singhbhum (West) ... **Appellant**

Versus

The State of Bihar

... **Respondent**

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**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR  
HON'BLE MR. JUSTICE RATNAKER BHENGRA**

For the Appellants : Mr. Ram Subhag Singh, Advocate  
Mr. Rajesh Kumar, Advocate

[in both cases]

For the State : Mrs. Niki Sinha, Spl. PP

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**Order No. 09/ 7<sup>th</sup> December 2021**

I.A No. 1378 of 2021 in Criminal Appeal (DB) No. 115 of 1995(R) &  
I.A No. 1266 of 2021 in Criminal Appeal (DB) No. 136 of 1995(R)

These applications are filed seeking suspension of sentence during pendency of Criminal Appeal (DB) No.115 of 1995(R) and Criminal Appeal (DB) No.136 of 1995(R).

Both the appellants are convicted and sentenced to RI for life under section 302/34 of the Indian Penal Code.

Ribu Mahato filed Criminal Appeal (DB) No.115 of 1995(R) and Suresh Singh Sardar preferred Criminal Appeal (DB) No.136 of 1995(R), against the judgment dated 30<sup>th</sup> August 1995 passed in Sessions Trial No. 171 of 1991.

By an order dated 18<sup>th</sup> September 1995, Ribu Mahato was granted bail by a Division Bench of the High Court of Judicature at Patna (Ranchi Bench). Suresh Singh Sardar was also

released on bail by virtue of the order dated 21<sup>st</sup> April 1999 passed in Criminal Appeal (DB) No. 136 of 1995(R).

These criminal appeals came on Board for hearing after about 24 years.

The proceedings in these criminal appeals indicate that the appellants were not represented through their learned counsels and, therefore, bail granted to them was cancelled.

The order dated 1<sup>st</sup> April 2019 reads as under:

*"Mr. Gouri S. Prasad, the learned A.P.P appears for the respondent-State of Jharkhand.*

*Pursuant to the order dated 07.03.2019 a report has been received which indicates that the notices have been served to appellants in both the appeal and they have been informed about the hearing of the case.*

*In spite of this, nobody appears today for the appellants.*

*In that view of the matter, bail granted to appellant-Ribu Mahato vide order dated 18.09.1995 in Criminal Appeal (DB) No. 115 of 1995 (R) and the appellant-Suresh Singh Sardar vide order dated 21.04.1999 in Criminal Appeal (DB) No.136 of 1995 (R) are hereby cancelled.*

*The learned trial court is directed to proceed against the sureties, in accordance with law and file a report before the next date of hearing.*

*Post these matters on 24.04.2019.*

*Let a copy of the order be given to the learned A.P.P.*

*Let a copy of the order be sent to the court concerned through FAX."*

The learned counsel for the appellants states that the appellants, namely, Ribu Mahato was arrested on 2<sup>nd</sup> June 2019 and Suresh Singh Sardar was arrested on 22<sup>nd</sup> December 2019 and since then they are in custody.

Since the bail granted to both the appellants was cancelled only for the reason that they were not represented through their learned counsels when these criminal appeals were taken up for hearing, we are inclined to allow I.A No.1378 of 2021 filed in Criminal Appeal (DB) No.115 of 1995(R) and I.A No.1266 of 2021 filed in Criminal Appeal (DB) No.136 of 1995(R).

Accordingly, the appellants, namely, Ribu Mahato in Criminal Appeal (DB) No.115 of 1995(R) and Suresh Singh Sardar in Criminal Appeal (DB) No.136 of 1995(R) are directed to be released on bail during pendency of the appeals, on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned

District and Sessions Judge, Singhbhum West at Chaibasa, in connection with Sessions Trial No. 171 of 1991, on the following conditions:

- (i) Ribu Mahato and Suresh Singh Sardar shall tender their mobile phone numbers to the investigating officer who can instruct them as and when their presence is required in the Court;
- (ii) they shall ensure that whenever these criminal appeals are listed for hearing they are represented through their learned counsels, and;
- (iii) they shall not change their place of residence and in proof thereof they shall submit a copy their Aadhar Cards.

The previous bail bonds furnished by them may be accepted by the Court.

Let a copy of the order be transmitted to the Court concerned through FAX.

I.A Nos. 1378 of 2021 and 1266 of 2021 are allowed.

I.A No.1637 of 2020 in Criminal Appeal (DB) No.115 of 1995(R) and I.A. No.1638 of 2020 in Criminal Appeal (DB) No.136 of 1995(R) are accordingly disposed of.

**(Shree Chandrashekhar, J.)**

**(Ratnaker Bhengra, J.)**

Amit/