

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.)No.57 of 2019

Banti Vishwakarma		Appellant
Versus		
The State of Jharkhand		Opposite Party
With		
Cr. Appeal (S.J.)No.60 of 2019		
Raja Yadav		Appellant
Versus		
The State of Jharkhand		Opposite Party

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellants : Mr. Kalyan Banerjee, Advocate
Mrs. J. Mazumdar, Advocate
For the State : APP

06/Dated: 06/07/2019

I.A. No. 616 of 2019 & I.A. No. 5341 of 2019

I.A. No. 616 of 2019 (Cr. Appeal (Sj) No. 57 of 2019) has been filed on behalf of appellant Banti Vishwakarma and I.A. No. 5341 of 2019 (Cr. Appeal (Sj) No. 60 of 2019) has been filed on behalf of appellant Raja Yadav praying for grant of bail after suspending the sentence during the pendency of the appeal, who have faced trial in Sessions Trial No. 197/2016 aggrieved by the judgment of conviction dated 14.12.2018 and order of sentence dated 17.12.2018 passed by the Ms. Sanjeeta Srivastava, Additional Sessions Judge-XVI, Dhanbad whereby and whererunder the appellants have been sentenced with R.I for six years and fine of Rs, 5,000/- under section 399 I.P.C, R.I for three years and fine of Rs, 1,000/- under section 402 I.P.C., R.I for three years and fine of Rs, 1,000/- under section 25(1-B)a/35 Arms Act and R.I for three years and fine of Rs. 1,000/- under section 26/35 Arms Act and in default of payment of fine the appellants were directed to undergo R.I for three months and all the sentences were directed to run concurrently.

It appears that under order dated 11.04.2019 Cr. Appeal (Sj) No. 57 of 2019 was admitted for hearing and under order dated 29.01.2019 Cr. Appeal (Sj) No. 60 of 2019 was admitted for hearing. Pursuant to order dated 20.06.2019, original L.C.R has been received.

It was submitted by the counsel for the appellant- Banti Vishwakarma that the

appellant is in jail custody since 14.12.2018 and during trial the appellant was in custody since 25.12.2015 to 21.03.2016.

It was submitted by the counsel for the appellant- Raja Yadav that the appellant is in custody since 14.12.2018 earlier he has remained in custody from 25.12.2015 to 23.04.2016 and the alleged “kokri” has been recovered from Arjun Hazra and not from this appellant.

Learned APP has opposed the prayer for bail.

In the facts and circumstances of the case, I hereby suspend the sentence awarded to aforesaid appellants and accordingly, above named appellants are directed to be released on bail during pendency of this instant appeal on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each, with two sureties of the like amount each to the satisfaction of the court of Ms. Sanjeeta Srivastava, Additional Sessions Judge-XVI, Dhanbad in connection with Sessions Trial No. 197/2016, subject to condition that one of the bailors must be close relative of the appellants. The appellants are directed to deposit Rs.1,100/- each in the account of **Bandi Kalyan Kosh, Birsa Munda, Birsa Munda Central Jail, Hotwar, Ranchi being A/C No. 490710210000007, Bank of India, Branch-Booty More, Customer Id-103610460, IFSC Code No. BKID0004907** and furnish a receipt of aforesaid deposition of amount before the trial court on the date of their furnishing bail bond.

I.A. No.616 of 2019 & I.A. No.5341 of 2019 stand allowed and disposed of.

Let a copy of this order be communicated to the concerned trial court through FAX and a copy of this order be communicated to the Superintendent, Birsa Munda, Central Jail, Hotwar, Ranchi through FAX cost to be borne by Registry and a copy of this order be sent to the Member Secretary, Jharkahnd State Legal Services Authority (JHALSA), Ranchi and a copy of this order be handed over to the learned counsel for the appellants.