

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.150 of 2019

Ajay Lohra.	-----	 Appellant.
	-Versus-	
The State of Jharkhand.		 Respondent.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant	:	Mr. Vipul Poddar, Advocate
For the State	:	APP

Order No.03

Date: 04.04.2019

I.A. No.2651 of 2019:

The present interlocutory application has been filed for suspension of sentence awarded to the appellant vide order dated 29th November, 2018 passed by the learned Trial Court and for grant of bail during pendency of the present appeal.

Learned counsel for the appellant submits that the instant appeal has been preferred by the appellant under Section 101(5) of Juvenile Justice (Care & protection of Children) Act, 2015, as he has been convicted and sentenced by the Additional Judicial Commissioner-XVIII-cum-Children Court, Ranchi. It is further submitted that on perusal of the materials available on record it would appear that there was no premeditation on the part of the appellant. The alleged occurrence took place in the moment of heat. There was a single blow over the stomach of the deceased causing the stab wound of 4 x 2 cm. over left lateral abdomen, which, as per the doctor (Dr. Manoj Kumar Kodah-P.W.6), was the cause of death. Even as per the prosecution's case, there were no repeated blow given on the body of the deceased by the appellant. The appellant has already remained in judicial custody for more than half of the sentence of five years awarded to him by the learned Trial Court under Section 304 Part-II of the Indian Penal Code. Therefore, the sentence awarded to the appellant by the learned Trial Court may be suspended and he may be released on bail during pendency of the appeal.

The learned APP opposes the prayer of the appellant for suspension of sentence and his release on bail.

Having heard learned counsel for the parties, the sentence awarded to the appellant by the learned Trial Court vide order dated 29th November, 2018 shall remain suspended during pendency of the present appeal.

Accordingly, the appellant, above named, is directed to be released on bail during pendency of the present appeal on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount, each, to the satisfaction of learned Additional Judicial Commissioner-XVIII-cum-Children Court, Ranchi in connection with Children Case No.07 of 2016.

I.A. No.2651 of 2019 stands disposed of.

(Rajesh Shankar, J.)

Sanjay/