

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No. 904 of 2025

Deepak Kumar Gupta @ Deepak KumarAppellant

Versus

1. The State of Jharkhand

2. Veena Kumar Gupta

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. Baibhaw Gahlaut, Advocate

For the State : Mr. Satish Kumar Kehsri, A.P.P

Order No: 02/ Dated: 26.11.2025

1. This Criminal Appeal has been filed on behalf of the appellant by challenging the judgment of conviction and sentence dated 27.11.2024 passed in S.T Case No. 01 of 2021 by Ms. Garima Mishra, learned Additional Sessions Judge-IV, Bokaro by which the appellant has been convicted for the offences under Sections 341, 323, 324 of the I.P.C and sentenced to undergo S.I for one (01) month, S.I for one (01) year and S.I for two (02) years respectively.

However, all the sentences have been directed to run concurrently.

2. Although, the learned Court below has acquitted the appellant under Sections 498-A, 307, 504 and 506 of the I.P.C and Section 3/4 of the Dowry Prohibition Act.

I.A No. 14116 of 2025

3. I.A No. 14116 of 2025 has been filed on behalf of the appellant under Section 5 of the Limitation Act for condoning the delay of 22 days in filing this Criminal Appeal.

4. Learned counsel for the appellant has submitted that the appellant is a poor person and he could not file the Appeal within time and as such, his family members have consulted Jharkhand

State Legal Services Authority, JHALSA for providing him legal aid and as such, the appeal was filed through JHALSA on 18.02.2025. It is submitted that after filing of this Criminal Appeal, there was no substantial progress as thereafter, after taking no objection from his lawyer appearing on behalf of the Jharkhand State Legal Services Authority, JHALSA, the present counsel Mr. Bhaibhaw Gahault has appeared on behalf of the appellant in this case and hence the delay of 22 days in filing of this Criminal Appeal may be condoned.

5. Learned APP has raised no objection.

6. Having heard learned counsel for both the sides and in view of the averments made in paragraph Nos.6 to 9 of I.A. No.14116 of 2025, the delay of 22 days in filing the instant criminal appeal is hereby condoned.

7. Thus, I.A. No.14116 of 2025 is allowed and stands disposed of.

I.A No. 14115 of 2025

8. I.A No. 14115 of 2025 has been filed on behalf of the appellant for suspension of sentence and for grant of bail.

9. Learned counsel for the appellant has submitted that the impugned judgment of conviction and sentence passed by the learned Court is illegal and not sustainable in the eye of law. It is submitted that the appellant is the husband of the Informant. It is submitted that the appellant was in custody during trial from 18.08.2020 to 25.01.2021 i.e. for around five (05) months and, thereafter he is in custody since 04.01.2025 i.e. around one (01) year. Thus, the appellant remained in custody for around seventeen (17) months out of S.I. for two (02) years. It is submitted that the appellant has completed more than half of the sentence and hence he may be enlarged on bail.

10. On the other hand, learned APP has opposed the prayer of bail of the appellant and has submitted that the appellant had brutally assaulted the informant namely Veena Kumari Gupta in front of her brother and when her brother tried to save her but the appellant was furious and had assaulted her brother also due to which he sustained three cut injuries and hence the prayer of bail of the appellant may be rejected.

11. Having heard learned counsel for both the sides and from perusal of the records of this case, it appears that the learned counsel for the appellant has not impleaded the Informant as Respondent No.2 in this case.

12. It appears that the appellant is the husband of the Informant.

13. It also appears from the impugned judgment and sentence that the Informant has also filed one maintenance case against the appellant.

14. It also appears from the records that the appellant had caused injury by knife to PW-1 namely Deepak Kumar Gupta, who is the brother of the Informant. Although, the broken knife was recovered, however, the learned Trial Court has acquitted the appellant for the offence under Section 307, 504 and 506 of the I.P.C, but the State has not preferred any appeal against the judgment of conviction and sentence passed by the learned Trial Court below.

15. It appears that the appellant has completed more than half of the sentence.

16. Considering the facts and circumstance of this case and also considering the custody of the appellant, the appellant namely Deepak Kumar Gupta @ Deepak Kumar is directed to be released on bail on furnishing bail bonds of Rs.15,000/- (Rs. Fifteen

thousand) with two sureties of the like amount each, to the satisfaction of the Ms. Garima Mishra, learned Additional Sessions Judge-IV, Bokaro in connection with S.T Case No. 01 of 2021 subject to the condition that the appellant shall pay Rs.25,000/- to the victim within two months after being released from jail, failing which the Court may compel to pass coercive order for recovery of the said amount.

17. The said amount must be disbursed to the victim by the learned Court below by filing such an application by informing the Victim by D.L.S.A Bokaro and P.L.V Bokaro.

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18. Admit.

19. Call for the legible scanned copy of the lower Court Records.

20. Learned counsel for the appellant is directed to implead the Informant as Respondent No.2 in this case.

21. Office is directed to issue notice upon the newly added Respondent No.2 by speed post with A/D.

(Sanjay Prasad, J.)

Dated: 26.11.2025

Avinash/