

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No.181 of 2022

Rupesh Prasad Appellant
Versus
The State of Jharkhand ... Respondent

CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SUBHASH CHAND

For the Appellant : Mr. Akhouri Awinash Kumar, Advocate
For the Respondent : Mrs. Priya Shrestha, Spl. P.P.

Order No. 04/Dated 28th April, 2023

It appears from the Bench Slip available on record that by the order of Hon'ble the Chief Justice dated 27.04.2023 to list this case on 28.04.2023, this matter has been listed before this Court.

I.A. No.3952 of 2023

The instant interlocutory application has been filed by the appellant/applicant for grant of provisional bail for 15 days so that the appellant may attend the marriage ceremony of his younger brother, rituals of which is to be held from 26.04.2023 to 06.05.2023.

Learned counsel appearing for the appellant has submitted that although the sentence has been refused to be kept in abeyance by the Coordinate Bench of this Court vide order dated 28.11.2022, but due to the marriage of the younger brother of the appellant, instant application has been filed.

Serious objection has been made on behalf of the learned Special Public Prosecutor by raising the ground of seriousness of the nature of offence which is the abduction of a Doctor for the purpose of ransom of Rs.50 lakhs and thereafter his murder.

It has been submitted that his complicity has conclusively been proved, as would appear from the DNA report wherein the cigarette stub marked as Ext.1/D1 and blood of Rupesh Prasad (applicant herein) soaked on gauge marked as Ext.3/A, has been found to be from one and the same human individual basis upon which it has been reported that Rupesh Prasad, applicant herein, was present in Room No.3.

The submission has been made that on the aforesaid ground, on the earlier occasion the Coordinate Bench of this Court has refused to pass order for keeping the sentence in abeyance.

Further submission has been made that though the instant application has been filed for provisional bail but the aforesaid provisional bail has been sought for to attend the marriage ceremony of his younger brother.

It has been submitted that in the marriage of younger brother what rituals the applicant is to perform has not been stated in the instant application.

Learned Special Public Prosecutor, on the basis of the aforesaid ground, has submitted that the instant application is fit to be rejected.

We have heard learned counsel for the parties and taking into consideration the fact that the application filed under Section 389(1) of the Cr.P.C. on behalf of the present applicant herein, has been rejected vide order dated 28.11.2022 on the ground of his active participation in the commission of crime. However, since we are dealing with the instant application filed for grant of provisional bail and, as such, it requires and is necessary to mention that for what rituals he is seeking the benefit of provision bail in the marriage of his younger brother and merely to attend the marriage, the same cannot be a ground to extend the privilege of provisional bail taking into consideration the seriousness of offence which is the abduction of a Doctor for the purpose of ransom of Rs.50 lakhs and commission of his murder.

This Court, therefore, finding no mention that what ritual is to be performed by the applicant/appellant in the marriage of his younger brother and taking into consideration the nature of crime, is not inclined to allow the instant application.

Accordingly, I.A. No.3952 of 2023 is rejected.

(Sujit Narayan Prasad, J.)

(Subhash Chand, J.)

Birendra/