

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.106 of 2022

1. Gopal Mahto		
2. Ram Kishan Mahto		
3. Babudhan Mahto		
4. Baldeo Mahto		
5. Shiv Shankar Mahto		
6. Narsingh Mahto		
7. Bharat Mahto		
8. Parmeshwar mahto @ Pancham Mahto	...	Appellants
-Versus-		
1. The State of Jharkhand		
2. Arun Mahto	...	Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants	: Mr. Arvind Kumar Choudhary, Advocate
For the State	: Mr. Bhola Nath Ojha, A.P.P.

Order No.05

Dated 21st March, 2022

LA No.1903 of 2022

The present criminal appeal has been filed on behalf of the appellants challenging the judgment of conviction and order of sentence dated 15.02.2022 passed by the learned Additional Sessions Judge-I, Deoghar in connection with Sessions Trial No.45 of 2012 by which, all the appellants namely, Gopal Mahto, Ram Kishan Mahto, Babudhan Mahto, Baldeo Mahto, Shiv Shankar Mahto, Narsingh Mahto, Bharat Mahto and Parmeshwar Mahto @ Pancham Mahto have been convicted for committing the offences under Section 147, 341/149, 323/149, 324/149, 325/149, 504/149, 379/149 & 307/149 of the Indian Penal Code and they have been sentenced to undergo for Rigorous Imprisonment for One (01) Year each and Simple Imprisonment for one (01) Month each and Simple Imprisonment for six (06) months each, Rigorous Imprisonment for 02 years each and Rigorous Imprisonment for 03 years each respectively under Sections 147, 341/149, 323/149, 324/149, 325/149 of the Indian Penal Code.

2. The appellants have also been sentenced to Rigorous Imprisonment for one (01) year each for the offence under Section 504/149, Rigorous Imprisonment for two (02) years each for the offence

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under Section 379/149 of the Indian Penal Code and Rigorous Imprisonment for 03 years each for the offence under Section 308/149 of the Indian Penal Code and to pay a fine of Rs.50,000/- and in default of payment of fine the convicts shall further undergo of one (01) year each.

3. This interlocutory application has been filed for confirmation of provisional bail granted to the appellants in connection with Sessions Trial No.45 of 2012 arising out of Sarath (Chitra) P.S. Case No.100 of 2010, corresponding to G.R Case No.383 of 2010 passed by the learned District and Additional Sessions Judge-I, Deoghar.

4. It is submitted by the learned counsel for the appellants that appellants have been granted provisional bail for a period of 45 days (till 02.04.2022). It is also submitted by the learned counsel for the appellants that they had filed interlocutory application being I.A. No.1903 of 2022 for confirmation of provisional bail granted by the learned trial Court in connection with Sessions Trial No.45 of 2012 arising out of Sarath (Chitra) P.S. Case No.100 of 2010, corresponding to G.R Case No.383 of 2010. It is further submitted that appellants were on bail during the trial and even after conviction they have been granted provisional bail till 02.04.2022 and hence, the provisional bail granted on 15.02.2022 to the appellants may be confirmed in the interest of justice.

5. On the other hand, learned counsel for the State raised no objection and has submitted that the appellants have already been granted provisional bail by the trial court.

6. Perused the L.C.R and considered the submissions of both the parties.

7. It appears that the informant has not been made party in the present appeal.

Under the circumstances, learned counsel for the appellant is directed to implead the informant as O.P. No.2 in this case.

8. The present criminal appeal is admitted for hearing.

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Issue Notice.

Call for the L.C.R.

Issue notice upon the newly added Respondent No.2 by registered cover with A/D as well as under ordinary process, for which requisites must be filed within two week. .

9. Considering the fact that the appellants have already been granted provisional bail on 15.02.2022 and hence, the provisional bail of the appellants is hereby, confirmed.

10. However, the appellants namely, Gopal Mahto, Ram Kishan Mahto, Babudhan Mahto, Baldeo Mahto, Shiv Shankar Mahto, Narsingh Mahto, Bharat Mahto and Parmeshwar Mahto @ Pancham Mahto are directed to file an undertaking before the learned Court below that they will remain present at the time of final hearing of the present Criminal Appeal.

11. This, I.A No.1903 of 2022 stands allowed and accordingly disposed of.

(Sanjay Prasad, J.)

Raja/-