

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 268 of 2019
With
Criminal Appeal (S.J.) No. 395 of 2019

Mukesh Yadav Appellant
(in Cr. Appeal (SJ) No. 268/2019)

Raj Kumar Yadav Appellant
(in Cr. Appeal (SJ) No. 395/2019)

Versus

The State of Jharkhand Respondent

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Appellant : Mrs. Renu Bala, Advocate
: Mr. Ashok Kumar, Advocate
For the Respondent : Mr. H. P. Singh, A.P.P.

5/13.01.2020 I. A. No. 5229 of 2019 (in Cr. Appeal (SJ) No. 268/2019): and
I. A. No. 3540 of 2019 (in Cr. Appeal (SJ) No. 395/2019):

Heard Mrs. Renu Bala, learned counsel for the appellant who has pressed I.A. No. 5229 of 2019 and Mr. Ashok Kumar, learned counsel for the appellant who has pressed I. A. No. 3540 of 2019 and opposed by Mr. H. P. Singh, learned A.P.P. for the State.

Both the appellants have been convicted under Section 25(1-B) a, 26(1), 25(1-A)/35 and 26(2)/35 of Arms Act and both have been sentenced to undergo R.I. for 6 years.

It appears from the allegation that both the appellants were apprehended and from one countrymade pistol along with cartridges were recovered. However, it appears that from the confession of the appellant Mukesh Yadav (appellant in Cr. Appeal (SJ) No. 268/2019) recovery of carbine, one countrymade pistol, live cartridges, one rifle etc. were effected. Although, learned counsel for the appellant in Cr. Appeal (SJ) No. 268 of 2019 has tried to impress this court by stating that in the seizure list also there is joint signature of both the appellant, but it appears that the confessional statement of the appellant Mukesh Yadav

has been marked as Exhibit 8, and there does not appear to be any other confessional statement or any other statement of Raj Kumar Yadav.

In such circumstances, therefore, the recovery of the said arms are made on the disclosure made by the appellant – Mukesh Yadav. Raj Kumar Yadav was in custody for about 7 months during trial and is in custody from the date of his conviction i.e. 14.02.2019 which would in effect mean that the appellant has completed 1 year 6 months in custody.

Regard being had to the nature of allegations levelled against the appellant Raj Kumar Yadav (in Cr. Appeal (SJ) No. 395 of 2019) coupled with the period of custody, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the Additional Sessions Judge II, Latehar in connection with S. T. No. 168 of 2018 arising out of Herhanj P. S. Case No. 38 of 2017.

However, so far as the appellant Mukesh Yadav is concerned, in view of recovery which was effected on his confession apart from the recovery from his conscious possession, I am not inclined to allow him bail. Accordingly, his prayer for bail is hereby rejected.

I.A. Nos. 5229 of 2019 and 3540 of 2019 stand disposed of.

(Rongon Mukhopadhyay, J)