

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 220 of 2015

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1. Tika Ram Mahto, S/o Chowhan Mahto
 2. Gurudyal Mahto, S/o Kewa Mahto
 3. Tula Ram Mahto, S/o Hari Mahto
 4. Jagdish Mahto, S/o Hari Mahto
 5. Khetu Mahto, S/o Hari Mahto
 6. Chetlal Mahto, S/o Hari Mahto
 7. Hari Mahto, S/o Pitamber Mahto
 8. Ganesh Mahto, S/o Pitambar Mahto
 9. Mukesh Mahto @ Mukesh Kumar, S/o Ganesh Mahto
 10. Charkhu Mahto, S/o Gurudayal Mahto
 11. Bhuneshwar Mahto, S/o Tulsi Mahto
 12. Basudeo Mahto, S/o Tulsi Mahto
 13. Bhairav Mahto, S/o Sukhlal Mahto
 14. Paltu Mahto, S/o Late Bani Mahto

All residents of Nero Tola Gadidih, P.S.-Topchanchi,
P.O.-Brahmandiha, District- Dhanbad

Petitioners

Versus

The State of Jharkhand

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Opp. Party

CORAM: HON'BLE MR. JUSTICE RAVI NATH VERMA

For the Petitioners : Mr. Niranjana Singh, Advocate

For the State : A.P.P.

05/15.06.2015 This revision application is Admitted for final hearing on a limited question of sentence only.

Call for the Lower Court Records from the court concerned.

Heard the learned counsel for the petitioners and the learned counsel representing the State.

Learned counsel appearing for the petitioners submitted that the all the 14 petitioners have been convicted under Section 147/149 and Section 506 of the Indian Penal Code and sentenced to rigorous imprisonment for two years on each count, further convicted under Section 323/149 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year, also convicted under Section 341/149 of the Indian Penal Code and sentenced to undergo simple imprisonment for one month, further convicted under Section 447/149 of the Indian Penal Code and under Sections 3 and 5 of Prevention of Witch (Daain) Practice Act and sentenced to undergo simple imprisonment for three months on each count and also sentenced under Section 4 of Prevention of Witch (Daain) Practice Act and sentenced to undergo simple imprisonment for six months and also convicted under Section 6

of Prevention of Witch (Daain) Practice Act and sentenced to undergo simple imprisonment for one year and on appeal the conviction and sentence have been affirmed by the appellate court. It is further submitted that all the 14 petitioners surrendered in the court below on 16.02.2015 and since then they have been languishing in jail custody. Hence, they deserve to be released on bail.

Learned counsel representing the State has no serious objection.

Considering the submissions of learned counsels and the period of custody, I am inclined to release the petitioners on bail. Accordingly, the 14 petitioners- Tika Ram Mahto, Gurudyal Mahto, Tula Ram Mahto, Jagdish Mahto, Khetu Mahto, Chetlal Mahto, Hari Mahto, Ganesh Mahto, Mukesh Mahto @ Mukesh Kumar, Charkhu Mahto, Bhuneshwar Mahto, Basudeo Mahto, Bhairav Mahto and Paltu Mahto are directed to be released on bail, during the pendency of this revision application, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the satisfaction of Sri Santosh Kumar, the then Judicial Magistrate, 1st Class, Dhanbad in connection with G.R. No.2837 of 2001 arising out of Topchanchi P.S. Case No.156 of 2001.

Let this order be communicated to the court concerned through FAX at the cost of the petitioners.

(R.N. Verma, J.)