

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (SJ) No. 359 of 2019

Antu Rajwar ... Appellant
Versus
The State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Appellant : Dr. (Mr.) H. Waris, Advocate
For the State : APP

Order No. 03 Dated 13th January, 2020

I.A. No. 3244 of 2019

Heard learned counsel appearing for the appellant and learned APP appearing for State.

This application has been preferred by the appellant u/s 389(1) of the Cr.P.C. for grant of bail during the pendency of the appeal.

It has been stated by the learned counsel for the appellant that there are discrepancies in the evidence of the witnesses. It has further been stated that the injury which has been sustained by P.W. 3 cannot be attributed to be with a Garasha which is a sharp cutting weapon. It has also been submitted that so far as P.W. 1 is concerned, the injury suffered by him was opined to be simple in nature. Learned counsel further submits that the Investigating Officer of this case has not been examined which has greatly prejudiced the defence and the Garasha was also not produced although it appears that some of the persons who were present had seized the Garasha from the possession of the appellant.

Learned APP has opposed the prayer for bail made by the appellant.

It appears from the allegation that P.W. 1 and P.W. 3 were said to have been assaulted with a Garasha by the appellant. P.W. 1 had suffered simple injury, whereas P.W. 3 had suffered grievous injury on his head. The appellant appears to have remained in custody from the date of his conviction i.e. 02.02.2019.

In view of the aforesaid facts, therefore, the appellant is directed to be released on bail during pendency of this appeal, on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned trial court [Additional Sessions Judge-III, Garhwa] in connection with Sessions Trial No. 254 of 2013.

I.A. No. 3244 of 2019 stands allowed and disposed of.

(RONGON MUKHOPADHYAY,J.)