

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.)No.362 of 2019

1. Jharkhand Sao
2. Budhan Sao

..... Appellants

Versus

The State of Jharkhand

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellants : Mr. Tarun Kumar No. 1, Advocate

For the State : APP

04/Dated: 19/07/2019

I.A. No. 3263 of 2019

The present interlocutory application has been filed on behalf of the appellants praying for grant of bail after suspending the sentence during the pendency of the appeal, who have faced trial in Sessions Trial No. 504/2007 being aggrieved and dissatisfied with judgement of conviction dated 06.03.2019 and order of sentence dated 13.03.2019 passed by Sri Dhruva Chandra Mishra, learned District & Additional Sessions Judge, IV, Giridih whereby and whereunder he has been pleased to sentence the appellants R.I for 7 years for the offence under section 307/34 I.P.C and fine of Rs. 5,000/- and in default of payment of fine further imprisonment for six months , further sentence of R.I for two years for the offence under section 323/34 I.P.C, and R.I for 9 months for the offence under sections 323/34 I.P.C. further simple imprisonment for one month for offence under section 341/34 I.P.C and all the sentences were directed to run concurrently.

It appears that this criminal appeal was filed on 03.04.2019 and under order dated 03.05.2019 , this criminal appeal was admitted and L.C.R was called for but Xerox copy of L.C.R was received, thereafter under order dated 12.06.2019, original L.C.R has been received.

Learned counsel for the appellant referred to evidence of P.W. 2, P.W.7 and P.W.9 and has submitted that these witnesses have stated in their evidence that the appellants have assaulted by means of rod but P.W.8 –doctor who has examined the injured has found the incised wound and no injury was caused by the hard and blunt substance was found on the body of Charuk Sao-injured. The appellants are in custody since 13.03.2019.

Learned APP has opposed the prayer for bail.

In the facts and circumstances of the case, I hereby suspend the sentence awarded to aforesaid appellant and accordingly, above named appellants are directed to be released on bail during pendency of this instant appeal on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each, with two sureties of the like amount each to the satisfaction of the court of Sri Dhruva Chandra Mishra, learned District & Additional Sessions Judge, IV, Giridih in connection with Sessions Trial No. 504/2007. The appellants are directed to deposit half of fine amount before the trial court on the date of their furnishing bail bond.

I.A. No.3263 of 2019 stands allowed and disposed of.

Let a copy of this order be communicated to the concerned trial court through FAX.

Satyarthi/-

(Anant Bijay Singh, J.)