

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 454 of 2026

Rohit Gorain @ Rohit Gorai (CICL)

... .. **Appellant**

Versus

The State of Jharkhand

... .. **Respondent**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant	:Mr. Indrajit Sinha, Advocate :Mr. A. Awinash Kumar, Advocate :Ms. Souma Ranjan Mukherjee, Adv.
For the State	:Mr. Pankaj Kumar, P.P.
For the Informant	:Ms. Rajshree Sinha, Advocate

06/30.07.2026 I.A. No. 7676 of 2026

Heard Mr. Indrajit Sinha, learned counsel for the appellant, Mr. Pankaj Kumar learned P.P. for the State as well as Ms. Rajshree Sinha, learned counsel for the informant.

This interlocutory application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

The appellant has been convicted for the offence under Section 302 of IPC and has been sentenced to undergo rigorous imprisonment for life along with a fine of Rs. 50,000/-.

It has been alleged that on 14.07.2018, while the informant was at his residence, the appellant had taken away the son of the informant at 12:00 noon on his motorcycle. After about two hours, when the wife of the informant made a call on his son's mobile, no one picked up the call. At 6:00 P.M., the informant was told to return home immediately, and upon returning, he had gone to the house of the appellant to inquire about the matter. When he reached there, he had seen the appellant and his father

surrounded by some friends near their house. After much persuasion, the appellant had disclosed that the son of the informant had drowned in the Settling Tank at Domgarh. The informant had suspected that the appellant, in connivance with other persons, had conspired and committed the murder of his son.

Submission has been advanced by Mr. Sinha, learned counsel for the appellant, that the evidence of the witnesses clearly reveals that the appellant, the son of the informant, as well as other similarly aged persons, had gone to the Settling Tank where, on seeing the appellant bathing, the son of the informant had taken a *gamcha* and had also jumped into the Settling Tank, but he got drowned. It has been submitted that there are no prosecution witnesses whose evidence would be suggestive of the fact that the deceased was forced into the Settling Tank and, in fact, it was his willingness and desire to swim in the Settling Tank that had led to the incident. Learned counsel adds that, in the post-mortem report, the final opinion regarding the cause of death was kept reserved and, on receipt of the viscera report, organo phosphorus pesticide was detected. The final opinion was thereafter given by the concerned doctor that the cause of death was on account of poisoning. Learned counsel submits that the final opinion is not based on a proper analysis of the post-mortem findings of the deceased but is founded only on the opinion of the forensic analyst. Learned counsel further adds that the appellant has been in custody for about one year and two months.

Mr. Pankaj Kumar, learned P.P. as well as Ms. Rajshree Sinha, learned counsel appearing for the informant have opposed the prayer for bail of the appellant.

Ms. Sinha, learned counsel for the informant, has submitted that it is the case of the prosecution that it was the present appellant who had administered poison to the deceased, which resulted in his death. Learned counsel further submits that the connivance and conspiracy of the appellant, along with others, in doing away with the life of the son of the informant, is strengthened by the fact that it was the present appellant who had taken away the deceased on his motorcycle, consequent to which the dead body of the deceased was recovered on the next day. Learned counsel, therefore, submits that there is strong circumstantial evidence indicative of the appellant playing a primary role in committing the murder of the son of the informant.

Admittedly, there are no eyewitnesses to the occurrence with respect to the appellant administering poison to the deceased, the son of the informant. As far as the evidence of the witnesses who were present at the place of occurrence is concerned, it indicates the desire of the deceased to bathe in the settling tank, for which a *gamcha* was provided to him, and thereafter his body was ultimately recovered on the next day by the police. Though the viscera report suggests that organo phosphorus pesticide was detected in the viscera of the deceased, the final opinion of the doctor conducting the autopsy creates much room for doubt. In fact, most of the witnesses who were present at the place of occurrence have categorically stated that the deceased had drowned in the settling tank.

On consideration of the aforesaid facts, therefore, we are inclined to admit the appellant to bail. Accordingly, during the pendency of this appeal, the appellant is directed to be released on bail on furnishing a bail bond of

Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Dhanbad, in connection with Children Case No. 34 of 2022 arising out of Sindri P.S. Case No. 50 of 2018.

I.A. No. 7676 of 2026 stands allowed and disposed of.

(Rongon Mukhopadhyay, J.)

(Arun Kumar Rai, J.)

30.07.2026
Umesh-Abhishek/-