

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (SJ) No. 387 of 2019

Jay Prakash Sahu @ Jai Prakash Sahu @ Vikash ... Appellant
Versus

The State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Appellant : Mr. J.S. Singh, Advocate
For the State : APP

Order No. 05

Dated 28th February, 2020

I.A. No. 3548 of 2019

Heard the learned counsel appearing for the appellant and the learned A.P.P. appearing for the 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 the conviction u/s 25(1-A) of the Arms Act is not sustainable in view of the fact that the arms which were recovered from inside the Almirah was in the joint possession of the appellant as well as co-convict and does not come within the purview of prohibited arms in terms of Section 2(1)(i) of the Arms Act. It has further been stated that the co-convict Uday Shankar Sahu @ Sah has been granted bail during the pendency of the appeal in Cr. Appeal No. 431 of 2019. Learned counsel submits that the appellant was all along on bail and is in custody since the date of judgment i.e. 26.03.2019.

Learned APP has opposed the prayer made by the appellant.

It appears that the appellant has been convicted for the offences u/s 25(1-A) and 26/36 of the Arms and the maximum sentence which has been imposed upon him is rigorous imprisonment for 07 years. The allegations reveal that from the house inside an Almirah which were in the joint possession of the appellant as well as the co-convict Uday Shankar Sah three fire arms were recovered. As stated above, the co-convict Uday Shankar Sahu @ Sah has already been granted bail by this court. The appellant has remained in custody for about a year.

Regard being had to the aforesaid, during pendency of this appeal, the appellant is directed to be released on bail on furnishing bail bond of Rs.

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10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned trial court [Additional Sessions Judge-III, Palamau at Daltonganj] in connection with S.T. No. 264 of 2018.

This I.A. stands allowed and disposed of

(RONGON MUKHOPADHYAY,J.)

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