

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No. 308 of 2025

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Surendra Ram @ Surendra KumarAppellant

Versus

1. The State of Jharkhand

2. Ramesh RamRespondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Sheo Kumar Singh, Advocate
: Ms. Juhi Kumari, Advocate
For the State : Mr. Sunil Kumar Dubey, A.P.P
For the Informant : Md. Faruque Ansari, Advocate

Order No: 08/Dated: 17.09.2025

Call for the explanation from the learned Court below for not sending the scanned copy of Exhibit marked Exhibit No. 3 i.e. the Arms Inspection/Test Report, Exhibit- 4 to 6 which are injury reports of injured Ram Janam Ram, Pratap Ram and Ramesh Ram, Exhibit-8 i.e. the confessional statement of Pir Mohammad Ansari, Exhibit- 9 to 11 which are requisition for injury reports and Exhibit-12 i.e. the sanction order. It appears that the Presiding Officer and his office were negligent.

2. Accordingly, the Registrar General is directed to call for the explanation and place it before this Court.

3. This Criminal Appeal has been filed on behalf of the appellant by challenging the judgment of conviction dated 18.03.2025 and sentence dated 20.03.2025 passed in S.T No. 47

of 2010 by Mr. Manoj Kumar Tripathi, learned Additional Sessions Judge-II, Nagar Untari in connection with Bhawanathpur P.S Case No. 70 of 2009 corresponding to G.R Case No. 437 of 2009 by which the appellant has been convicted for the offences under Sections 364/511 and Section 324 of the I.P.C and sentenced to undergo R.I for five (05) years and to pay the fine of Rs. 5000/- and R.I for two (02) years respectively.

I.A No. 4136 of 2025

4. I.A No. 4136 of 2025 has been filed on behalf of the appellant for grant of bail during pendency of this Criminal Appeal.

5. Learned counsel for the appellant has submitted that the impugned judgment of conviction and sentence passed by the learned Court below is illegal, arbitrary and not sustainable in the eye of law. It is submitted that the allegations against the appellant are false and concocted. It is submitted that the appellant is alleged to have assaulted one Ram Janam Ram who is the uncle of the informant by knife. It is submitted that although all the accused persons including the appellant are alleged to have attempted to abduct the informant but one of the miscreants Bablu Gosai was severely assaulted and due to which, said Bablu Gosai died whereas, one another miscreant Pir Mohammad Ansari @ Khalil Ansari was grievously injured. It is submitted that the

dispute was with regard to running of one mini Bus which was provided by the Welfare Department of Government of Jharkhand to the Self Help Group (SHG) in the name of ten (10) persons including the appellant and the informant.

It is further submitted that two other accused persons namely Ram Krishna Ram, who was the main accused and another co-accused Manoj Mehta @ Manoj Koiri @ Manoj Kumar Mehta have been granted bail by the Co-ordinate Benches (Hon'ble Mr. Justice Gautam Kumar Choudhary) in Criminal Appeal (S.J) No. 05 of 2024 vide order dated 06.05.2024 and the Co-ordinate Bench (Hon'ble Mr. Justice Ambuj Nath) of this Court in Criminal Appeal (S.J) No. 892 of 2023 vide order dated 12.04.2024 respectively whereas, one another co-accused namely Mukesh Koeri @ Mukesh Mehta @ Mukesh Kumar Mehta has also been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Sanjay Kumar Dwivedi) of this Court in Criminal Appeal (S.J) No. 178 of 2024 vide order dated 22.06.2024. It is submitted that several independent witnesses examined as P.W-11, P.W-12, P.W-13, P.W-15 and P.W-16 have not supported the prosecution case. It is submitted that the appellant had remained in custody for around four (04) months during the trial and thereafter, he is in custody since 18.03.2025 and hence, the appellant may be enlarged on bail.

6. On the other hand, learned counsel for the State has opposed the prayer for bail and submitted that P.W-2 is the informant of this case who has fully supported the occurrence against the appellant for trying to kidnap him and for confining the family members of the informant at gun point. It is submitted that P.W-3 is Ram Janam Ram i.e. the injured who had sustained knife injury at the hand of the appellant. It is submitted that P.W-4, P.W-5, P.W-6 and also P.W-7 namely Raj Kumar Yadav, Krishna Ram, Banshi Ram, Devendra Pd. Yadav had also identified the miscreants including the appellant Surendra Ram. It is submitted that I.O of this case has also supported and corroborated the prosecution case while being examined as P.W-18 and hence, the prayer for bail of the appellant may be rejected.

7. Learned counsel for the informant, after adopting the submission of learned counsel for the State, has further submitted that the appellant and other seven accused persons as named in the F.I.R had kept the family members of the informant at gun point in their house and they had tried to abduct him but they were seen by the brother of the informant who had informed the villagers and hence, the life of the informant could be saved. It is submitted that P.W-3 is the eye witness of the occurrence and the appellant had assaulted him by knife due to which P.W-3 had

sustained Ram Janam Ram had sustained injury at his hand. It is submitted that the appellant is also actively involved in this case and hence, the prayer for bail of the appellant may be rejected.

8. Perused the Trial Court Records and F.I.R and considered the submission of both the sides.

9. It appears that the injury reports of Ram Janam Ram, Pratap Ram and Ramesh Ram marked as Exhibit-4 to 6 has not been sent before this Court by the learned Trial Court below. However, the Doctor i.e. P.W-17 has been examined in this case and who had found following injury on the person of the injured, as follows:-

(i) On 21.04.2009 Ram Janam Ram S/o Ram Brish Ram of Vill Chechariya, P.S Bhavnathpur, District; Garhwa was examined by Dr. Sanjay Kumar Singh, MO, PHC, Bhavnathpur and following injuries were noted:-

1. Bruise 1/2" X 1/2" X skin deep on left little finger.

M.I- Black mole on left side cheek.

Cause- Hard Blunt Substance

Nature:- Simple

(ii) On 21.04.2009 Pratap Kumar Ram S/o Tulsi Ram of Vill Chechariya, P.S: Bhavnathpur, District: Garhwa was examined by Dr. Sanjay Kumar Singh, MO, PHC, Bhavnathpur and following injuries were noted:-

1. Bruise 1/2" X 1/2" X skin deep on left fore arm.

M.I- Black mole right side cheek.

Cause- Hard Blunt Substance

Nature:- Simple

(iii) On 21.04.2009 Ramesh Kumar S/o Banci Ram of Vill Chechariya, P.S: Bhavnathpur, District: Garhwa was examined by Dr. Sanjay Kumar Singh, MO, PHC, Bhavnathpur and following injuries were noted:-

1. Bruise 1/2" X 1/2" X skin deep on right elbow.

M.I- Black mole left side below lower lip.

Cause- Hard Blunt Substance

Nature:- Simple

10. It appears that the injury sustained by P.W-3 Ram Janam Ram has not been supported by the Doctor i.e. P.W-17 as the Doctor has opined injury caused by hard and blunt substance instead of sharp cut weapon like knife.

11. It appears from the evidence of P.W-2 i.e. the informant and even P.W-18 i.e. the I.O that the dispute was with regard to expenditure of running of mini Bus provided to the Self Help Group consisting of informant as well as some of the accused persons including the appellant.

12. It also appears that the I.O. i.e. P.W-18 had not seized documents relating to mini Bus provided to Self Help Group (SHG) by the Welfare Department of Government of Jharkhand but as the informant and other witnesses i.e. P.W-2 and P.W-10 have stated the fact of running of mini bus by the Self Help Group (SHG) and thus, there appears to be a dispute between the informant and the accused persons including the appellant.

13. It appears that the two other accused persons namely Ram

Krishna Ram and Manoj Mehta @ Manoj Koiri @ Manoj Kumar Mehta have been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Gautam Kumar Choudhary) in Criminal Appeal (S.J) No. 05 of 2024 vide order dated 06.05.2024 and the another Co-ordinate Bench (Hon'ble Mr. Justice Ambuj Nath) of this Court in Criminal Appeal (S.J) No. 892 of 2023 vide order dated 12.04.2024 respectively whereas, one another co-accused namely Mukesh Koeri @ Mukesh Mehta @ Mukesh Kumar Mehta has also been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Sanjay Kumar Dwivedi) of this Court in Criminal Appeal (S.J) No. 178 of 2024 vide order dated 22.06.2024.

14. Considering the custody of the appellant and also considering that three co-accused persons have already been granted bail by the Co-ordinate Benches of this Court, the appellant namely Surendra Ram @ Surendra Kumar is directed to be released on bail on furnishing bail bonds of Rs. 15,000/- with two sureties of the like amount each to the satisfaction of Mr. Manoj Kumar Tripathi, learned Additional Sessions Judge-II, Nagar Untari/or his successor Court in connection with Bhawanathpur P.S Case No. 70 of 2009 corresponding to G.R Case No. 437 of 2009.

15. Thus, I.A No. 4136 of 2025 is allowed and stands disposed of.

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16. From perusal of the F.I.R and impugned judgment, it appears that one of the miscreants namely Bablu Goosai had died due to mob lynching on villagers including the informant and his family members whereas, one Pir Mohammad Ansari was also seriously injured but no case was instituted by the concerned Officer-in-Charge and I.O at the relevant time.

17. Under the circumstances, let a report be called from the Superintendent of Police, Garhwa to look into the matter as to what prompted the police officials not to institute any case against any person even in view of the death of one of the miscreants Bablu Goosai.

18. Let a copy of this order be sent to learned Registrar General and also to the learned Principal District and Sessions Judge, Garhwa and also to the Superintendent of Police, Garhwa by FAX also to the Court of Mr. Manoj Kumar Tripathi, learned Additional Sessions Judge-II, Nagar Untari/or his successor Court for the needful.

(Sanjay Prasad, J.)

Dated: 17.09.2025

Avinash/