

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 521 of 2023

1. Narayan Prasad @ Tejnarayan Prasad			
2. Ganpat Prasad			Appellant(s)
Versus			
The State of Jharkhand			Respondent

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE AMBUJ NATH

For the Appellant(s)	: Mr. A. K. Kashyap, Sr. Advocate
For the State	: Mr. Sardhu Mahto, A.P.P
For the Informant	: Mr. Mahesh Tewari, Advocate

08/ Dated 09.05.2025
I.A. No. 4860 of 2025

Heard A. K. Kashyap, learned senior counsel for the appellants and Mr. Sardhu Mahto, learned A.P.P on behalf of the State, as well as Mr. Mahesh Tewari, learned counsel for the informant.

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

The prayer for bail of the appellants were earlier dismissed as withdrawn in I.A. Nos 5481 of 2024 & I.A. No. 7980 of 2024 respectively.

Submission has been advanced by the learned senior counsel that both the appellants were said to have been armed with axe and sword but the post-mortem report reveals that no sharp cut injury was found on the person of the deceased.

It has been submitted that there was a case and counter case and both the parties had suffered injuries.

Learned senior counsel has further stated that some of the witnesses have deposed about the blunt portion of the axe being used in committing assault upon the deceased but if the appellants had the intention to commit murder they would have easily used the sharp portion of the weapons they were holding. While referring to the evidence of the I.O. who has been examined as P.W. 12, it has been submitted that he has categorically stated that none of the witnesses had stated before him that the blunt portion of the axe was used while committing assault upon the deceased.

It has been further submitted that the appellant no. 1 is in custody since 06.12.2021 while the appellant no. 2 is in custody for 2 years and 7 months.

Learned counsel for the informant has referred to the evidence of the P.W.1, P.W.3, P.W.5 and P.W.6 while submitting that both the appellants had committed assault upon the deceased with the blunt portion of the weapon that they were holding which finds corroboration from the medical report.

It has further been submitted that so far as the appellant no. 1 is concerned, he had absconded earlier. It has also been submitted that though some of the co-convicts have been granted bail by co-ordinate bench of this court but the case of the appellants stands on different footing.

It appears from the evidence of witnesses that some of them have stated about the blunt portion of the axe being used in commission of the assault. The medical report suggests that several injuries were found on the person of the deceased which can be attributed to the appellants.

On consideration of the evidence of the witnesses, we are not inclined to admit the appellants on bail. Accordingly, their prayer for bail is hereby rejected at this stage.

The aforesaid I.A. stands rejected.

(Rongon Mukhopadhyay, J.)

(Ambuj Nath, J.)

BS-Saurav/-