

IN THE HIGH COURT OF JHARKHAND AT RANCHI**Cr. Appeal (SJ) No. 503 of 2025**

Sonaram Jamuda @ Katai @ Motu, aged about 17 years, Son of Late Kishan Jamuda, represented through his Guardian Ramesh Jamuda, Aged about 39 years, S/o-Sonaram Jamuda, Resident of Village- Banjhkusum, P.O. Chakradharpur, P.S.-Chakradharpur, District-West Singhbhum, Jharkhand. Appellant

Versus

The State of Jharkhand

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Priyanshu Nilesh, Advocate

For the State : Mr. Achinto Sen, APP

: Mr. Ashutosh Kumar Sinha, Advocate

05/Dated:24thNovember, 2025

The Cr. Appeal (SJ) No. 503 of 2025 has been filed on behalf of the appellant challenging the order dated 12.12.2024 passed by the learned Additional Sessions Judge-I-cum Special Judge Children Court, West Singhbhum at Chaibasa in MCA No. 1181 of 2024 in connection with Chakradharpur P.S. Case No. 21 of 2024 for the offences under Section 376D and 376F of the I.P.C. and also under Sections 4 and 6 of the POCSO Act, by which the prayer for bail of the appellant has been rejected.

2. As per the FIR, it has been alleged by the victim girl aged about 16 years that Munna Jamuda had taken her to his house along with the co-accused Govind Jamuda on 27.01.2024 and then Munna Jamuda closed the door and thereafter, both the co-accused Munna Jamuda and Govind Jamuda forcibly established physical relationship with her and the co-accused Govind Jamuda also called other boys of his village and who were about seven (7) in numbers and all seven (7) boys had committed rape upon her one by one forcibly and threatened her of dire consequences. Thus, FIR was lodged on 31.01.2024.

3. Heard learned counsels for the appellant and the State.
4. Learned counsel for the appellant has submitted that the impugned order passed by the learned Court is illegal, arbitrary and not sustainable in law. It is further submitted that the appellant is innocent and has committed no offence and has been falsely implicated in this case. It is submitted that there was delay of four days in lodging the FIR. It is submitted that appellant is not named in the FIR and his name has come on the basis of the confessional statement of the co-accused Munna Jamuda and Govind Jamuda. It is further submitted that during her statement recorded under Section 164 of the Cr.P.C, the victim girl has stated that it was dark night and she was unable to identify the appellant. It is submitted that appellant was not identified during TI Parade by the victim girl conducted on 16.02.2024. It is submitted that one of the co-accused Uday Jamuda @ Uday Jamuda has already been granted bail by the Co-ordinate Bench (Justice Subhash Chand, as then his lordship was) in B.A. No. 6565 of 2024 vide order dated 16.08.2024. The appellant is in custody since 03.02.2024 i.e. for around nineteen (19 months) i.e. more than one and half year, and hence, he may be enlarged on bail.
6. On the other hand, learned A.P.P. for the State has opposed the prayer for bail. It is further submitted that though the appellant is not named in the FIR but he was directly involved in commission of the offence and it has been admitted by the co-accused Munna Jamuda and Govind Jamuda in their confessional statements and then the appellant was also arrested along with four other boys. It is submitted that the informant has been examined as PW-1 during the trial before the learned Additional and Sessions Judge-I, West Singhbhum, Chaibasa and

she has named the appellant for committing rape upon her and also she has identified him during the trial before the Court also. It is submitted that the trial is going on and hence, the prayer for bail may be rejected.

7. Learned counsel for the informant, after adopting the submission of the learned A.P.P, has further submitted that the appellant and another co-accused persons had forcibly committed gang rape upon the victim girl. It is also submitted that the informant was examined as P.W.-1 and the mother of the informant was examined as P.W.-2 and both have fully supported the prosecution case and identified the appellant in Court also. It is submitted that the appellant has committed heinous offence and the prayer for bail of the appellant may be rejected.

8. Perused the FIR, LCR and considered the submissions of both sides.

9. It appears from the FIR that co-accused Munna Jamuda and Govind Jamuda and other five unknown boys had committed gang rape upon the victim girl one by one forcibly against her wishes.

10. From the perusal of the Lower Court Records received from the learned Court below containing the statement of the prosecution witnesses including the victim girl examined as P.W.-1 (victim girl, name not being disclosed in view of the judgment of Hon'ble Supreme Court), P.W.-2 (mother of the victim girl, name not being disclosed in light of the judgment of the Hon'ble Supreme Court). Similarly, P.W.-3 (maternal uncle of the victim girl, name not being disclosed in light of the judgment rendered in the case of Nipun Saxena and Anr. Versus Union of India reported in (2019) 2 SCC 703, it appears that they have fully supported the prosecution case.

11. It appears from the statement of the victim girl recorded under Section 164 of the Cr.P.C on 02.02.2024 that she has fully supported the prosecution case regarding the commission of rape upon her by seven accused persons including Munna Jamuda, Govind Jamuda and five other boys.

12. It appears that on the basis of the confessional statements of co-accused Munna Jamuda and Govind Jamuda, the name of the appellant has surfaced in this case along with other co-accused persons namely Uday Jamuda, Puty Godara, and Chiku Bhagati.

13. It appears that the victim girl was examined as P.W. 1 and she has identified the appellant in Court also for committing rape upon her.

14. It also appears that even P.W.-2, mother of the victim girl has supported the prosecution case against the appellant for committing rape upon her minor daughter.

15. So far as the release of the co-accused Uday Jamuda on bail is concerned, this Court respectfully differs from the order dated 16.08.2024 passed by the Co-ordinate Bench (Justice Subhash Chand as then his Lordship was) as it reveals from the TI Parade chart that even the said Uday Jamuda was identified by the victim girl during TI parade on 16.02.2024, but it appears that the said fact was not brought to the notice of the Co-ordinate Bench, as there is no reflection of the TIP chart in the order.

16. As the trial is going on, this Court is not discussing the evidence of the case on merit, otherwise it may prejudice the case on both sides. However, it is clear from the evidence as well as the FIR that the appellant has also forcibly committed rape upon her and she has identified the appellant in the Court

also and as such this Court is not inclined to enlarge the appellant on bail. Hence, the prayer for bail is rejected.

17. Thus, the prayer for bail of the appellant is rejected and the impugned order dated 12.12.2024 passed by the learned Additional Sessions Judge-I-cum Special Judge Children Court, West Singhbhum at Chaibasa in MCA No. 1181 of 2024 in connection with Chakradharpur P.S. Case No. 21 of 2024 is upheld.

18. Accordingly, this Criminal Appeal (SJ) No. 503 of 2025 is dismissed.

19. Learned Registrar (Judicial) is directed to call for explanation from the learned Additional Sessions Judge-I, West Singhbhum at Chaibasa for disclosing the name of P.W.-1 (victim girl), P.W.-2 (mother of victim girl) and P.W.-3(maternal uncle of the victim girl) while recording their evidence, which is in violation of the judgment rendered in the case of Nipun Saxena and Anr. Versus. Union of India reported in (2019) 2 SCC 703 and for advising him for not committing such mistake in future and shall submit his report before this Court.

20. The Deputy Commissioner, Chaibasa and Superintendent of Police, Chaibasa are directed to pay interim compensation of Rs. One lakh (1,00,000/-) to the victim at once within one month from Nirbhaya fund from the date of receipt of the copy of this order in view of the judgment rendered by the Hon'ble Supreme Court in the case of Assessment of the Criminal Justice System in response of Sexual Offences reported in (2020) 18 SCC 540.

21. Let the copy of this order be sent to Deputy Commissioner, Chaibasa and Superintendent of Police, Chaibasa for compliance of order of this Court by FAX and the

said Rs. One lakh (1,00,000/-) will be given to the victim apart from the compensation which may be provided to the victim girl by learned Secretary, DLSA Chaibasa, under the provisions of the victim compensation scheme.

(Sanjay Prasad, J.)

Dated: 24.11.2025
Rashmi/-