

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No. 814 of 2025

Mohan Chandra Mahato ... Appellant

Versus

The State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Abhishek Kumar Dubey, Advocate

For the State : Mr. Rajneesh Vardhan, A.P.P.

04/17.09.2025

I.A. No. 10928 of 2025

Heard the learned counsel for the respective parties.

This 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 the IPC and has been sentenced to undergo RI for life along with a fine of Rs.20,000/-.

It has been alleged that the appellant who is the uncle of the informant was constructing a lavatory in front of his house which was objected to by the father of the informant who wanted the lavatory to be constructed at a little distance from where it was being constructed. This resulted in an altercation and the parents of the informant were assaulted by the appellant and other accused persons with various weapons and the father of the informant had ultimately succumbed to his injuries.

Submission has been advanced by the learned counsel of the appellant that three persons were sent up for trial and on similar charges one was acquitted and the other accused has been convicted for the offence under section 323 of the IPC. The learned counsel submits that the learned trial Court has based the conviction of the appellant on the evidence of PW-1 but such evidence clearly reveals that the allegations are general and omnibus in nature with respect to the assault committed upon the parents as well as upon the informant by the accused persons. The learned counsel further adds that the incident had occurred as a result of an altercation on account of shifting of the lavatory.

Learned A.P.P. has opposed the prayer for bail of the appellant.

Regard being had to the evidence of PW-1 and the circumstances leading to the assault, we are inclined to admit the appellant on bail. Accordingly, during the pendency of this appeal, the appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Chandil in Sessions Trial Case No. 76/2021.

I.A. stands disposed of.

(RONGON MUKHOPADHYAY, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

Dated: **17.09.2025**
S.B.