

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.485 of 2024

....

Azhar Imam		Appellant
Versus		
The State of Jharkhand		Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant	: Mr. Jitendra Nath Upadhyay, Advocate
For the State	: Mr. Pankaj Kumar, P.P.

.....

Order No.08/02.05.2025

I.A. No.5785 of 2025

This Criminal Appeal has been filed on behalf of the appellant by challenging the judgement of conviction dated 24.06.2024 and sentence dated 29.06.2024 passed in S.T. Case No.419 of 2016 arising out of Sonari P.S. Case No.174 of 2016, corresponding to G.R. Case No.2418 of 2016 by Sri Nishant Kumar, learned Additional Sessions Judge-III, East Singhbhum, Jamshedpur by which the appellant has been convicted for the offences under Sections 393/34, 304(II)/34 of the IPC and sentenced to undergo R.I. for a period of eight (08) years and to pay the fine of Rs.15,000/- for the offence under Section 304(II)/34 of IPC and sentenced to undergo R.I. for five (05) years and to pay a fine of Rs.5,000/- for the offence under Section 393/34 of IPC.

However, both the sentences have been directed to run concurrently.

2. I.A. No.5785 of 2025 has been filed on behalf of the appellant for grant of provisional bail for a period of forty (40) days for performing last rituals of his father.

3. Heard learned counsel for the appellant and learned P.P.

4. Learned counsel for the appellant submitted that earlier in I.A. No.11250 of 2024 has been filed and which has been withdrawn before the Co-ordinate Bench (Hon'ble Mr. Justice Sanjay Kumar Dwivedi) of this Court on 22.10.2024. It is further submitted that earlier he had also filed another I.A. No.1974 of 2025 and the same has also withdrawn vide order dated 25.03.2025 before this Court. It is submitted that the father of the appellant has died on 26.04.2025 and there is no male member in his family and his mother has already died. It is further submitted that the appellant has one sister and whose husband is in out of India and hence he may be enlarged on provisional bail for a period of forty (40) days for performing last rites of his father.

5. On the other hand, learned P.P. submitted that at best the appellant may be given ten (10) days for performing last rites of his father.

6. Having heard learned counsels for both the sides and from perusal of the records of this case, it appears that the father of the appellant has died on 26.04.2025, although the death certificate of the father has not been brought on record.

7. However, considering the fact that the father of the appellant has died and hence the appellant namely Azhar Imam is directed to be released on provisional bail for the period of ten (10) days, on furnishing bail bonds of Rs.10,000/- (Rs.Ten Thossand) with two sureties of the like amount each, to the satisfaction of Sri Nishant Kumar, learned Additional Sessions Judge-III, East Singhbhum, Jamshedpur or his Successor Court in connection with S.T. Case No.419 of 2016 arising out of Sonari P.S. Case No.174 of 2016, corresponding to G.R. Case No.2418 of 2016 subject to the condition that the appellant shall not temper with the evidence

and shall not flee away and not threaten the informant and the witness examined during the trial

8. The appellant is directed to surrender in ten (10) days from the date of release and shall file Surrender Certificate by filing the Supplementary Affidavit with regard to surrender before the learned Court below.

9. Put up this case on 10th June 2025.

10. In the meantime, the appellant must surrender before the learned Court below and shall file Supplementary Affidavit with regard to surrender before the learned Court below.

11. I.A. No.5785 of 2025 is allowed and stands disposed of.

12. Let a copy of this order be sent to the learned Court below.

(Sanjay Prasad, J.)

Nishant/-