

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No. 651 of 2025

1.Raj Kishore Singh
2.Vikash Singh
3.Vijaya Devi Appellants

Versus

1.The State of Jharkhand
2.Dhiraj Kumar Singh Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. Lakhan Chandra Roy, Advocate
For the State : Mr. Ajay Kr. Pathak, APP

03/Dated:15th September, 2025

I.A. No.10097 of 2025

This Criminal Appeal has been filed on behalf of the appellants by challenging the judgment of conviction and sentence dated 19.07.2025 passed by Sri Rajendra Kumar Sinha, learned Additional Session Judge-III, Deoghar in Session Trial No.302 of 2021, arising out of Sarwan P.S. Case No.31 of 2018 (corresponding to G.R. Case No.476 of 2018) by which all the appellants have been convicted for the offences under Section 325/34, 323/34, 337/34 and 338/34 of IPC and sentenced to undergo R.I. for five (05) years each, R.I. for six (06) months each, R.I. for six (06) months each and R.I. for one (01) year each respectively.

2. I.A. No.10097 of 2025 has been filed on behalf of the appellants for suspension of sentence and for grant of bail to the appellants, during pendency of the present Criminal Appeal.

3. Heard Mr. Lakhan Chandra Roy, learned counsel for the appellants and Mr. Ajay Kumar Pathak, learned APP for the State.

4. Learned counsel for the appellants submitted that the impugned judgment and sentence passed by the learned Trial Court is illegal and not sustainable in the eye of law. It is submitted that there is no specific allegation against the Appellant No.3-Vijaya Devi except pelting stone. It is submitted that the Appellant No.1-Raj Kishore Singh and the Informant-Dhiraj Kumar Singh (i.e. Respondent No.2) are the own uncle and nephew and there is land dispute between the parties. The informant side had objected the selling of the joint landed property and hence the occurrence had taken place. It is submitted that the appellants had remained in custody for some period during trial and after conviction they are in custody since 19.07.2025 and hence, they may be enlarged on bail.

5. On the other hand, learned APP has opposed the prayer for bail. It is submitted that the injured witnesses P.W-3 and P.W-5 namely, Daula Singh and Piyus Kumar Singh and P.W-4-Sudama Devi have supported the case. It is submitted that the P.W-6 is the informant who has also supported the case and the hand of Sudama Devi (i.e. P.W-4) was fractured which was found as the grievous injury and hence the bail of the appellants may be rejected.

6. Having heard learned counsel for the parties and on going through the records, it appears that the Appellant No.1-Raj Kishore Singh and the informant-Dhiraj Kumar Singh are own uncle and nephew and there is dispute with regard to landed property which has come from the evidence of P.W-3, P.W-4 and P.W-5.

7. It appears from the evidence of P.W-3 that Vikash Singh-Appellant No.2 had assaulted Daulat Singh (i.e. the father of the Informant) on his cheek due to which he sustained injury and he had also assaulted his wife-Sudama Devi (i.e. P.W-4) on her

head. Appellant No.1-Raj Kishore Singh had also assaulted Sudama Devi (i.e. P.W-4) on her head and left hand due to which her left hand got fractured.

P.W-5-Piyus Kumar Singh stated that Raj Kishore Singh has assaulted her mother by '*Lathi*' due to which her left hand got fractured and he had also sustained injury of '*Lathi*' blow by Vijaya Devi.

P.W-6 is the informant who stated that Vikash Singh assaulted his father by '*Rod*' which caused injury in his left cheek and Vikash Singh assaulted her mother by '*Rod*' on her head and hand due to which her hand was fractured and co-accused Vijay Devi had assaulted his younger brother Vikash Singh by '*Lathi*' due to which his head had swollen.

8. From the evidence of the I.O-P.W-7, it reveals that there was dispute of selling of one Katha of land.

9. It also reveals that Daulat Singh-P.W-3 (i.e. the father of the informant) has received cut injury of $\frac{1}{2}$ " x $\frac{1}{2}$ " x $\frac{1}{2}$ " and there is no supplementary injury report.

10. From perusal of evidence of P.W-8-Dr. Sunil Kumar Singh, it appears that Sudama Devi-P.W-4 (i.e. the wife of the Informant) has sustained three (03) injuries and Injury No.3 on left forearm shows fracture of lower end of left ulna, whereas there was no opinion with regard to Injury No.1 and 2.

11. Considering the facts that the both sides are '*Gotia*', the appellants namely, Raj Kishore Singh, Vikash Singh and Vijaya Devi are directed to be released on bail, on their furnishing bail bonds of Rs.15,000/- (Fifteen thousand only) each with two sureties of the like amount each, to the satisfaction of learned Additional Session Judge-III, Deoghar in Session Trial No.302 of 2021, arising out of Sarwan P.S. Case No.31 of 2018 (corresponding to G.R. Case No.476 of 2018), subject to

payment of Rs.25,000/- each by the Appellant No.1- Raj Kishore Singh and Appellant No.2-Vikash Singh, total Rs.50,000/- (total Rs.Fifty Thousands) to the injured Daulat Singh and Sudama Devi under the Victim Compensation at the time of furnishing their bail bonds.

12. Thus, I.A. No.10097 of 2025 is allowed and stands disposed of.

(Sanjay Prasad, J.)

Dated:15.09.2025
Saket/-