

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No.691 of 2025

1.Motilal Barman @ Akash Kumar @ Akash Kumar Verma @
Motilal

2.Pannalal Barman @ Prakash Kumar @ Pannalal

..... Appellants

Versus

1. State of Jharkhand

2. Chhaganlal Saw

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. B.M. Tripathi, Sr. Advocate

: Mrs. Nutan Kumari Sharma, Advocate

For the State : Mrs. Anuradha Sahay, APP

06/Dated:01st July, 2026

This Criminal Appeal has been filed on behalf of the Appellants challenging the judgment of conviction dated 21.07.2025 and sentence dated 22.07.2025 passed by Sri Braj Kishore Pandey-II, learned Additional Sessions Judge-II, Seraikella-Kharsawan in Sessions Trial No.59 of 2022 (arising out of Adityapur P.S. Case No. 106 of 2021) by which both the appellants have been convicted for the offences under Sections 307, 323/34 and 341/34 of I.P.C. and sentenced to undergo R.I. for Five (05) years each, R.I. for one (01) year each and S.I. for one month each respectively and to pay the fine of Rs.10,000/-, Rs.1,000/ and Rs.500/ respectively.

I.A No.6160 of 2026

2. I.A No.6160 of 2026 has been filed on behalf of the appellants under Section 430 (1) of the BNSS for suspension of sentence and grant of bail.

3. The prosecution case, in brief, is that on 20.03.2021 while a meeting of Jewelers Association was organized in Community Hall near Lal Building Chowk for closing the jewelers shop on

every Saturday after half day and to attend the said meeting all the jewelers had arrived there. It is alleged that when the nephew of the informant Jay Prakash Barman arrived there, then both the appellants assaulted him by iron pipe, as a result which he sustained grievous injuries on his head and they were also alleged to have snatched Rs.70,000/- cash and gold chain from his possession.

4. Heard Mr. B.M. Tripathi, learned Senior Counsel for the appellants and Mrs. Anuradha Sahay, learned APP for the State.

5. It is 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 It is submitted that earlier the prayer for bail of the appellants was withdrawn before this Court vide I.A. No.10655 of 2025 on 24.11.2025. It is submitted that occurrence took place on certain impulse and it was not intentional by the appellants to cause injury to the nephew of the informant. It is submitted that the injury sustained by the injured was found simple in nature as per the report of the C.T. Scan and proved by the Dr. Jeevesh Mallik examined as P.W-10. It is submitted that the appellant is in custody since 21.07.2025 (i.e. for around one year) and they are also ready to compensate the victim and hence they may be enlarged on bail.

6. On the other hand, learned APP has opposed the prayer for bail. It is submitted that there is direct allegation against the appellants for assaulting the nephew of the informant namely, Jai Prakash Barman. It is submitted that the P.W-1 is the informant of this case and he has fully supported the case whereas P.W-4 is the injured-Jai Prakash Kumar Barman, who has also stated that he was assaulted by both the appellants due to which he sustained head injuries and he was taken to Primary Health Centre for treatment and from there he was referred to

T.M.H Hospital and there were 15-20 stitches on his head. Thus, P.W-4 has fully supported the prosecution case. It is submitted that even P.W-2 and P.W-3 namely, Shankar Kumar Barman and Pritam Kumar Barman have also supported the allegation against the appellants. It is submitted that P.W-8-Nisha Kumari is the I.O of this case who had submitted charge sheet against the appellants and P.W-9 is Dr. Amit Kumar Sinha, who had examined the injured and hence the prayer for bail of the appellants may be rejected.

7. Having heard the learned counsel for the parties and from going through the Trial Court Records, it appears that the appellants are alleged to have assaulted one Jai Prakash Barman- the nephew of the informant on 20.03.2021 and by iron pipes and due to which he sustained head injuries.

8. P.W-9 is Dr. Amit Kumar Sinha, Senior Registrar in Emergency Department, T.M.H, Jamshedpur who had examined the injured and found the following injuries, as follows:-

“1. On 20.03.2021, I was posted as a Senior Registrar in the Emergency Dept. of T.M.H, Jamshedpur, on the same day at 6.50 p.m. I examined Jaiprakash Kumar Verma, Age about 34 years male, S/o-Doman Lal Verma, R/o Station Road, Pragati Nagar, Gamharia who was brought by Vikash Kumar Verma (Relation nephew).

2. On examination I found

(i) Sutured wound over left fronto parietal region of head about 6 cm.

(ii) Sutured wound over right fronto temporal region of head about 3 cm.

3. Weapon used to inflict injury/cause- hard and blunt.

4. Age of injury-about 3 hours-alleged history of physical assault on 20.03.21 at about 4.00 p.m.

5. Nature of Injury-Opinion Reserved.

6. Remarks-Admitted to Neurosurgery dept. of further management. Primary treatment received at P.H.C Gamharia and M.G.M. Hospital.”

He has proved the injury report, marked as Ext-P4/PW9.

During cross examination, he stated that he had given only primary treatment at emergency.

9. P.W-10 is Dr. Jeevesh Mallik, who is also Senior Consultant and H.O.D, Neuro Surgeon, T.M.H, Jamshedpur, who had examined the injured and stated that C.T Scan of brain of the injured was done on 20.03.2021 and based on C.T. Scan report, the injury sustained over the head of the injured was found simple in nature and the injury report was marked as Exhibit-P4/1/P.W-10.

10. It appears that P.W-1-Chhaganlal Saw is the informant and who has supported the prosecution case against the appellants for assaulting his nephew whereas P.W-4 is the injured himself and has stated that he was assaulted by the appellants by iron pipes due to which he sustained injuries on his head.

11. It appears that P.W-5 and P.W-6 namely, Jitendra Kumar and Ishwar Lal Barman are also hearsay witnesses.

12. Considering the fact that the injury on the person of the injured was found simple in nature and the appellants are ready to compensate the injured-Jai Prakash Barman, the appellants namely, Motilal Barman @ Akash Kumar @ Akash Kumar Verma @ Motilal and Pannalal Barman @ Prakash Kumar @ Pannalal are directed to be released on bail, on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand only) each, with two sureties of the like amount each, to the satisfaction of Sri Braj Kishore Pandey-II, learned Additional Sessions Judge-II, Seraikella-Kharsawan/or his Successor Court in Sessions Trial No.59 of 2022, arising out of Adityapur P.S. Case No. 106 of 2021, subject to the condition that one of the bailors shall be the own relative and both the appellants shall deposit an amount of Rs.75,000/- and Rs.75,000/- total amount of Rs.1,50,000/- (Rs.One Lakh Fifty Thousand) in favour of the injured-Jai Prakash Barman at the time of furnishing of their

respective bail bonds and which shall be disbursed to the injured-
Jai Prakash Barman by the learned Trial Court by informing him
through the concerned P.L.V of his area on filing of such an
application.

13. Thus, I.A. No.6160 of 2026 is allowed and disposed of.

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14. Let this case be placed in seriatim.

(Sanjay Prasad, J.)

Dated: 17.06.2026
Saket/-