

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. A. (DB) No. 806 of 2022

1. Parshuram Mahali, aged about 37 years, son of Late Mukra Mahali @ Late Mokra Mahali, resident of Village-Gouri, P.O.-Kapali, P.S.-Chandil, District-Seraikella-Kharsawan, Jharkhand
2. Gunadhar Mahali, aged about 36 years, son of Bhushan Mahali, at permanent resident of Village-Pudisili, P.O.-Kapali, P.S.-Chandil, District-Seraikella-Kharsawan, Jharkhand

... .. **Appellants**

Versus

The State of Jharkhand

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant No.2 : Mrs. Ritu Kumar, Advocate
For the State : Mr. Shailendra Kumar Tiwari, Spl. P.P.

Order No. 05/ Dated: 16th March, 2026

I.A. No. 419 of 2026

Heard Mrs. Ritu Kumar, learned counsel for the appellant No.2 and learned Spl. P.P.

2. This application has been preferred by the appellant No.2 for grant of bail to him, during the pendency of this appeal.

3. The appellant No.2 had earlier moved for grant of bail in I.A. No. 291 of 2023 which, however, was dismissed as withdrawn vide order dated 06.02.2023.

4. The allegations reveal that the appellant was subjected to gang rape by several persons.

5. Submission has been advanced by the learned counsel for the appellant No.2 that no definite sign of rape was found on the person of the victim as per the medical report. It has further been submitted that though the prosecutrix has claimed to have identified the appellant No.2 in the Test Identification Parade but it clearly appears from the evidence that she had visited the jail on four occasions which would mean that prior to the Test Identification Parade, the victim had already seen the appellant No.2. Learned counsel submits that the appellant No.2 is in custody since 2019 and there being contradictions in the evidence of the witnesses as well as the inadequacies in the medical report, the appellant

No.2 deserves to be released on bail.

6. Learned Spl. P.P. has opposed the prayer for bail of the appellant No.2.

7. It appears from the evidence of the victim who has been examined as P.W.-5, the manner in which she was subjected to rape by several of the accused persons. So far as the medical report is concerned, scratches, bruises and other injuries were found on the person of the victim including in her private part which categorizes the manner in which she was subjected to sexual assault. Though, it has been submitted by learned counsel for the appellant that the victim was a major but the certificate issued by the Central Board of Secondary Education reveals that the victim was a minor at the time of the incident.

8. Regard being had to the strong circumstances which emanates from the above, we are not inclined to admit the appellant No.2 on bail. Accordingly, the prayer for bail of the appellant No.2 is hereby rejected, at this stage.

9. The aforesaid I.A. stands rejected and disposed of.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

16.03.2026

Arpit

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