

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (S.J.) No. 619 of 2024

Suman Mahto aged about 30 years, son of Dotan Mahto, resident of village – Ichatu, P.O.+ P.S.- Rajrappa, District- Ramgarh (Jharkhand)

..... **Appellant(s)**

Vrs.

1.The State of Jharkhand

2.Surajnath Mahto, S/o Late Mukar Mahto, Resident of Mail Sandi, P.O. & P.S.- Rajrappa, District- Ramgarh, Jharkhand

..... **Respondent(s)**

.....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Shivam Utkarsh Sahay, Advocate (JHCLSC)

For the State : Mr. Tarun Kumar, A.P.P.

I.A. No. 4792 of 2025

07/20.07.2026 Heard learned counsel for the appellant and the learned counsel for the State. Nobody appears on behalf of the respondent no. 2 inspite of valid service of notice upon him.

2. The instant interlocutory application has been preferred under Section 430 of the BNSS, 2023 for suspension of sentence and grant of ad-interim bail to the appellant during pendency of this appeal.

3. The instant appeal has been preferred against the judgment of conviction dated 27.02.2024 and order of sentence dated 06.03.2024 passed in S.T. Case No. 247 of 2022 arising out of Rajrappa P.S. Case No. 112 of 2022 by the court of learned Additional Sessions Judge-I, Ramgarh whereby and whereunder the appellant has been convicted for the offence punishable under Section 306 & 498A of the IPC and has been sentenced to undergo R.I. for 7 years with a fine of Rs. 10,000/- and in default of payment of fine, he is directed to further undergo R.I. for 1 year u/s 306 of the IPC. Further, he has been sentenced to undergo R.I. for 3 years with a fine of Rs. 5000/- and in default of payment of fine, he has further been directed to undergo R.I. for 6 months u/s 498A of the IPC.

4. It has been submitted by learned counsel for the appellant that appellant is in custody since 30.08.2022 and he has already undergone half of the custody against the maximum punishment of 7 years imposed against him. Further, it has been submitted that the

ingredients of Section 306 of the IPC are not made out. Based on the aforesaid grounds, learned counsel for the appellant has prayed that appellant may be enlarged on bail.

5. Learned counsel for the State has opposed the prayer for bail.

6. Considering the period of custody undergone by the appellant, I am inclined to enlarge the appellant on bail.

7. Accordingly, the appellant, above named, is directed to be released on bail, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Ramgarh in connection with S.T. Case No. 247 of 2022 arising out of Rajrappa P.S. Case No. 112 of 2022, subject to the condition that the appellant will remain present before the Court when the appeal is taken up for hearing, failing which, his bail shall be cancelled.

8. However, the learned Court below shall satisfy itself before release of the appellant as to whether the appellant has remained in custody for the aforesaid period or not. If not, he should not be released and a report should be sent to this Court in this regard.

9. I.A. No. 4792 of 2025 stands allowed and accordingly disposed of.

(Rajesh Kumar, J.)

20.07.2026
A. Mohanty

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____/____/2026