

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. A. (DB) No. 1068 of 2018

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1. Kapil Munda, aged about 23 years, Son of Jogi Munda @ Birsa Munda,
 2. Ishwar Munda, aged about 20 years, Son of Goenda Munda @ Bandhna Munda
- Both residents of Vill-Kadojora, P.O.-Ita, P.S.-Bero, Dist.-Ranchi
... .. **Appellants**

Versus

The State of Jharkhand **Respondent**

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

For the Appellants	: Mr. Sanjay Kumar Sinha, Advocate
For the State	: Mr. Jayant Franklin Topp, A.P.P.

Order No. 08/ Dated: 16th March, 2026

I.A. No. 1635 of 2026

Heard Mr. Sanjay Kumar Sinha, learned counsel for the appellant No.2 and learned A.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 has been convicted for the offence under Sections 366/34 and 376(D)/34 of the IPC and has been sentenced to undergo rigorous imprisonment for 25 years along with a fine of Rs. 50,000/- under Section 376(D)/34 of the IPC.

4. It has been alleged that while the victim was enjoying a marriage ceremony, the appellant No. 1 had forcibly dragged the victim towards a place where the appellant No. 2 was present and subsequent thereto the appellant No. 1 had committed rape upon her while the appellant No. 2 had caught hold of the victim.

5. Submission has been advanced by learned counsel for the appellant that the evidence of Investigating Officer who has been

examined as P.W.-6 does indicate that there were no signs found with respect to the appellants having dragged the victim to the place where the rape was committed. It has also been submitted that none had heard about any cry of alarm of the victim while she was being forcibly taken away by the appellant No. 1. It has been submitted that the medical report does not support the allegations so far as appellant No. 2 is concerned. Admittedly, he was not the person who had subjected the victim to the rape. Learned counsel further adds that the appellant No. 2 is in custody for almost 9 years.

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

7. It appears from the evidence of P.W.-4 who is the victim that the appellant No. 2 had also facilitated commission of rape upon the victim by the appellant No. 1 as he had caught hold of the victim while the rape was committed by the appellant No. 1. The Medical Report clearly indicates about the act of rape upon the victim.

8. On such consideration, therefore, we are not inclined to admit the appellant No. 2 on bail and his prayer for bail is hereby rejected, at this stage.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

16.03.2026

Basant

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