

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No. 1069 of 2019

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Ajay Mishra	...	...	Appellant
Versus			
1.The State of Jharkhand			
2.Sushila Kumari	...	...	Respondent

**CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
: HON'BLE MR. JUSTICE AMBUJ NATH**

For the Appellant : Mr. Nilesh Kumar, Advocate
For the Respondent : Mr. Saket Kumar, A.P.P.

7/21.06.2022 I. A. No. 2595 of 2022:

Heard Mr. Nilesh Kumar, learned counsel appearing for the appellant and Mr. Saket Kumar, learned A. P. P. appearing for the State.

This interlocutory application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

The appellant has been convicted for the offence under Section 376-D of Indian Penal Code and has been sentenced to undergo rigorous imprisonment for 25 years along with a fine of Rs. 10,000/-.

It has been alleged that the informant was subjected to gang rape by the appellant and others.

It has been submitted by the learned counsel appearing for the appellant that there is a delay of 15 days in holding the Test Identification Parade. He further submits that the appellant is in custody since 05.11.2017.

Learned A.P.P. for the State has opposed the prayer for bail.

It appears that the Test Identification Parade has been held in Simdega Jail in which the victim has identified the appellant as one of the persons who has committed rape upon her. The FSL report which has been marked as Exhibit 12 further suggests that the DNA profile generated from source i.e. panty and handkerchief indicates that there was mixed profile of more than one human male.

In view of the aforesaid circumstances, we are not inclined to admit the appellant on bail and the instant prayer is hereby rejected.

I. A. No. 2595 of 2022 stands rejected.

(Rongon Mukhopadhyay, J)

(Ambuj Nath, J.)