

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 1430 of 2025

Sunil Kumar

... .. **Appellant**

Versus

The State of Jharkhand

... .. **Respondent**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant :Mr. Rajiv Ranjan, Sr.Advocate

For the Res.-State :Ms. Kumari Rashmi, A.P.P.

04/03.09.2026 I.A. (Cr.) No. 10369 of 2026

Heard Mr. Rajiv Ranjan, learned Senior Counsel for the appellant and learned A.P.P. 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 offences under Sections 302/34 and 210/34 of IPC and has been sentenced to undergo R.I. for life years along with a fine of Rs. 10,000/-.

It has been alleged that the brother of the informant was murdered by the accused persons.

Submission has been advanced by the learned Senior Counsel for the appellant that, so far as P.W.-1, P.W.-2, P.W.-4 and P.W.-5 are concerned, they have been declared hostile by the prosecution. It has been submitted that the case of the prosecution primarily rests on the testimony of P.W.-3, P.W.-6 and P.W.-7. Learned Senior Counsel, while referring to the evidence of P.W.-3, P.W.-6 and P.W.-7, has submitted that a few days prior to the incident, threats were given to the deceased and he was also subjected to assault, the reason being that the deceased was having a love affair with the sister of the appellant.

Learned Senior Counsel has also referred to the evidence of the Investigating Officer, who has been examined as P.W.-10, while submitting that a different version had been given by P.W.-3, P.W.-6 and P.W.-7 before P.W.-10, from which it can be clearly inferred that there has been a substantial improvement in their evidence before the Court. Learned Senior Counsel has submitted that though it has been stated by the prosecution with respect to the recovery of blood stained wearing apparels from the possession of the appellant and co-convict Alok Ram @ Nepali @ Alok Kumar, the FSL report does not conclusively prove that the blood found on the same belonged to the deceased. Learned Senior Counsel has also submitted that the appellant is suffering from 45 per cent disability on account of being afflicted with polio and has been in custody for six years.

Learned A.P.P. has opposed the prayer for bail of the appellant and has submitted that the prayer for bail of the co-convict Alok Ram @ Nepali @ Alok Kumar has been rejected by a Co-ordinate Bench of this Court in Cr. Appeal (DB) No. 1425 of 2025.

It appears from a perusal of the evidence on record and other circumstances of the case that, on account of the sister of the appellant having a love affair with the deceased, an assault had taken place prior to the incident, in which the involvement of the present appellant and Alok Ram @ Nepali @ Alok Kumar has come to light.

It further appears that, on the confessional statements of the appellant and Alok Ram @ Nepali @ Alok Kumar, the mobile phone of the deceased was recovered. Moreover, the prayer for bail of another co-convict has already been rejected in Cr. Appeal (DB) No. 1425 of 2025.

Though there are no eye-witnesses to the incident, but the strong circumstances emanating from the evidence of the witnesses do indicate the involvement of the appellant in committing the murder of Hemant Kumar. Consequent to the above findings, we do not find any reason to admit the appellant on bail. Accordingly, his prayer for bail is hereby rejected at this stage.

I.A. (Cr.) No. 10369 of 2026 stands rejected.

(Rongon Mukhopadhyay, J.)

(Arun Kumar Rai, J.)

03.09.2026
Umesh-Abhishek/-