

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 750 of 2024

....
Sumit Kumar Paswan @ Sumit Paswan @ Guddu Paswan
.....Appellant

Versus
The State of Jharkhand
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant	: Mr. Pratiush Lala, Advocate
	: Mr. Deepak Sahu, Advocate
For the State	: Mr. Shashi Kr. Verma, APP
For the Informant	: Md. Zaid Imam, Advocate
	: Mr. Biplav Bhuiyan, Advocate

.....
Order No.09/06th May, 2026

I.A. No.4254 of 2026

1. This Criminal Appeal (SJ) has been filed on behalf of the appellant by challenging the judgment of conviction dated 03.10.2024 and sentence dated 04.10.2024 passed by Sri Prabhakar Singh, learned Special Judge, POCSO Act, Dhanbad in Spl. (POCSO) Case No. 39 / 2024 arising out of Dhansar P.S. Case No.43/2024 by which the appellant has been convicted for the offences under Sections 8 and 12 of the POCSO Act and sentenced to undergo R.I. for four (04) years and to pay the fine of Rs.5,000/- for the offence under Section 8 of the POCSO Act and R.I. for three (03) years and to pay the fine of Rs.2,000/- for the offence under Section 12 of the POCSO Act.

However, both the sentences have been directed to run concurrently.

2. I.A. No. 4254 of 2026 has been filed on behalf of the appellant for suspension of sentence and grant of bail of the appellant, during pendency of the present criminal appeal.

3. Heard learned counsel for the appellant and learned APP

and learned counsel for the Informant.

4. Learned counsel for the appellant submitted that the impugned judgment and sentence passed by the learned Court below is illegal and not sustainable in eye of law. It is submitted that the appellant is innocent and has not committed any offence. It is submitted that earlier the prayer of bail of the appellant has been rejected by this Court vide order dated 08.05.2025 in I.A No.4798 of 2025. It is submitted that the appellant is ready to compensate the victim girl voluntarily of Rs.1,00,000/- (Rs. One Lakh) at the time of furnishing the bail bonds. It is further submitted that the appellant is in custody since 10.03.2024 i.e. around two (02) years and two (02) months out of R.I. for four (04) years passed by the learned Trial Court and hence he may be enlarged on bail.

5. On the other hand, learned A.P.P. has opposed the prayer of bail of the appellant and submitted that earlier the prayer of bail of the appellant has already been rejected by this Court vide order dated 08.05.2025 in I.A No.4798 of 2025 and there is no merit in this case and hence the prayer of bail of the appellant may be rejected.

6. Learned counsel for the Informant has also opposed the prayer of bail of the appellant and submitted that the appellant is not entitled for bail as the prayer of bail of the appellant has already been rejected by this Court vide order dated 08.05.2025 in I.A No.4798 of 2025. It is further submitted that the victim girl was scared of appellant while going to college. It is further submitted that the marriage of victim girl is fixed and hence the release of appellant is not proper at this stage and hence the prayer of bail of the appellant may be rejected.

7. Having heard learned counsel for both the sides and from perusal of the records of this case, it appears that the prayer of bail of the appellant has been rejected by this Court vide order dated

08.05.2025 in I.A No.4798 of 2025.

8. It appears that the victim girl was scared of appellant and the appellant had also threatened her of throwing acid upon her face and also blackmailing her by taking certain photographs. However, the learned Trial Court has convicted the appellant for R.I. for four (04) years.

9. It appears that the appellant is alleged to have outraged the modesty of victim girl and tried to established physical relationship with the victim girl, however, she was saved by her mother.

10. It appears that the appellant is in custody since 10.03.2024 i.e. for around two (02) years and two (02) months out of R.I. for four (04) years/

11. Considering the facts and circumstances of this case and also considering the custody of the appellant and also the undertaking given by the appellant that the appellant shall pay Rs.1,00,000/- (Rs. One Lakh) by way of Demand Draft in the name of the victim girl at the time of furnishing the bail bonds, the appellant namely Sumit Kumar Paswan @ Sumit Paswan @ Guddu Paswan is directed to be released on bail, on furnishing bail bonds of Rs.15,000/- (Rs. Fifteen Thousand) with two sureties of the like amount each, to the satisfaction by Sri Prabhakar Singh, learned Special Judge, POCSO Act, Dhanbad / or his Successor Court in connection with Spl. (POCSO) Case No. 39 / 2024 arising out of Dhansar P.S. Case No.43/2024 subject to the condition that one of the bailors must be own relative of the appellant and also subject to deposit of Rs.1,00,000/- (Rs. One Lakh) in the name of victim girl before the learned Trial Court and also subject to the condition that after being released from jail, the appellant shall not commit any overt act and shall not threaten the victim girl or her family members, as her

marriage is already fixed and also to the witnesses of this case and also subject to the condition that the appellant and his father shall furnish their respective Aadhaar card and personal mobile numbers, which shall not be changed during the pendency of the trial, before the learned Court below and the appellant shall also remain present at the time of hearing of this appeal, failing which the prosecution will be at liberty to take steps for cancellation of his bail.

12. The appellant is directed to furnish the Demand Draft of Rs.1,00,000/- (Rs. One Lakh) in the name of the victim girl at the time of furnishing the bail bonds before the learned Court below, which shall be handed over to the victim girl by the learned Trial Court of his Successor Court on filing such application.

13. It also appears that the learned Trial Court has referred the matter for grant of compensation under the victim Compensation Scheme but there is no report to show the payment of compensation.

14. Call for report from the learned Court below as to whether any compensation has been paid till date to the victim girl under the provisions of victim Compensation Scheme in the light of order passed by the learned Trial Court or not?

15. It is well settled from the case of ***Deepak Rai vs. State of Bihar***, judgment reported in ***(2013) 10 SCC 421*** and also in the case of ***Ajay Kumar Ghoshal and Ors vs. State of Bihar and Anr.*** judgment reported in ***(2017) 12 SCC 699*** that Criminal Appeal is continuation of trial and hence, the victim lady i.e. the prosecutrix is also entitled to be compensated by the State in the light of the provisions of Section 357 of Cr.P.C

16. Considering the facts and circumstances of this case, this Court, is of the view, this Court compensation of Rs.3,00,000/- (Rs. Three Lakhs) be paid to the victim girl under the provisions of Victim Compensation Scheme, if not paid so far and shall submit its

report before 10th June, 2026.

17. Thus, I.A. No. 4254 of 2026 is allowed and stands disposed of.

18. Let a copy of this order be sent to the learned Trial Court for the needful.

(Sanjay Prasad, J.)

Dated 06th May, 2026

Nishant/-