

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 833 of 2024

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1. Jhalo Devi
2. Rajesh Bhuiyan
3. Raju Bhuiyan
4. Ajit Bhuiyan
5. Shibu Bhuiyan
6. Sujit Kumar Bhuiyan @ Sujit Bhuiyan
@ Sujeet Kumar Bhuiyan

..... **Appellants**

Versus

1. The State of Jharkhand
2. Himansh Bhuiyan

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants	: Mr. Manish Yadav, Advocate
For the State	: Mr. V. S. Sahay, A P. P.
For the Resp. No. 2	: Mr. Yogendra Yadav, Advocate

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05/14.10.2025 Mr. Yogendra Yadav, learned counsel for the respondent no. 2 prays for time to file objection to I. A. No. 3046 of 2025.

2. It appears that this Court vide order dated 18.09.2025 has granted two weeks' time to file objection to I. A. No. 3046 of 2025, but the same has not been filed till date.

3. This Criminal Appeal has been filed on behalf of the appellants challenging the impugned judgment of conviction dated 30.11.2024 and sentence dated 03.12.2024 passed by Sri Shambhu Lal Shaw, learned Principal District and Sessions Judge, Chatra in connection with Mayurhand P. S. Case No. 84 of 2017 corresponding to S.T. Case No. 19 of 2018 and S.T. Case No. 62 of 2019 by which the appellants has been held guilty for the offences under Sections 148, 323 read with 149, 341 read with 149, 427 read with 149 of the Indian Penal Code and 304-II read with 149 of the Indian Penal Code and

sentenced to undergo R.I. for a period of one (1) year for the offence under Section 148 of the Indian Penal Code, R.I. for a period of three (3) months for the offence under Section 323 read with 149 of the Indian Penal Code and S.I. for a period of ten (10) days for the offence under Section 341 read with 149 of the Indian Penal Code and R.I. for a period of six (6) months for the offence under Section 427 read with 149 of the Indian Penal Code.

However, the appellant no. 1, Jhalo Devi has been sentenced R.I. for a period of four (4) years whereas the appellant no. 4, Ajit Bhuiyan, the appellant no. 5, Shibu Bhuiyan and the appellant no. 6, Sujit Kumar Bhuiyan @ Sujit Bhuiyan @ Sujeet Kumar Bhuiyan have been sentenced R.I. for a period of six (6) years and the appellant no. 2, Rajesh Bhuiyan and appellant no. 3, Raju Bhuiyan have been sentenced R.I. for a period of seven (7) years respectively for the offence under Section 304-II read with 149 of the Indian Penal Code.

However, all the sentences have been directed to be run concurrently.

4. I. A. No. 3046 of 2025 has been filed under Section 430 (1) of the BNSS, 2023 on behalf of the appellants for suspension of sentence and for grant of bail of the appellants during the pendency of this appeal.

5. Learned counsel for the appellants has submitted that the appellant no. 1, Jhalo Devi is lady and no specific allegation has been made against her and she is in custody since 03.12.2024.

6. Learned counsel for the State and learned counsel for the respondent no. 2 raised objection and have opposed the prayer for bail of the appellant no. 1.

7. Heard learned counsel for the appellant, learned counsel for the State and learned counsel for Respondent No. 2.

8. So far as the appellant no. 1, Jhalo Devi is concerned, she is a lady and the learned Trial Court has observed in its judgment that she has merely pelted stone upon the deceased.

9. It also appears that the appellant no. 1 was merely members of the mob and she is in custody since 03.12.2024.

10. Considering the facts and circumstances of this case and considering the custody of the appellant no. 1 and also the fact that there is no specific allegation against her except pelting stone, the appellant no. 1 namely Jhalo Devi is directed to be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Sri Shambhu Lal Shaw, learned Principal District and Sessions Judge, Chatra in connection with Mayurhand P. S. Case No. 84 of 2017 corresponding to S.T. Case No. 19 of 2018 and S.T. Case No. 62 of 2019.

11. This Court is surprised to see the conduct of Sri Shambhu Lal Shaw, learned Principal District and Sessions Judge, Chatra while convicting the accused persons under Section 304-II of the Indian Penal Code and has given different sentences for different accused persons to different convicts.

12. It further appears that there is specific allegation of assault against several convicts, however the case has been converted into under Section 304-II of the Indian Penal and maximum punishment has been awarded R.I. for a period of seven (7) years for the some of the convicts, whereas some of convicts have been awarded R.I. for a period of six (6) years and R.I. for a period of four (4) years respectively.

13. In the facts and circumstances of the case Deputy

Commissioner, Chatra and Superintendent of Police, Chatra is directed to physically appear before this court on the next date fixed in this case to assist the Court.

14. Put up this case on 11.11.2025 for argument on the point of bail from Appellant No.2 to Appellant No. 6.

15. In the meantime, learned counsel for respondent no. 2 must file objection to I. A. No. 3046 of 2025.

16. Let the copy of this order be sent to the Deputy Commissioner, Chatra and Superintendent of Police, Chatra by Fax and be also given to the learned counsel for the State for the needful.

(Sanjay Prasad, J.)

Dated 14.10.2025

Kamlesh/