

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (Filing) (S.J) No. 28606 of 2025

Nirmal Kumar Mehta Appellant
Versus
The State of Jharkhand Respondent
with

Cr. Appeal (Filing) (S.J) No. 28634 of 2025

1.Karamchand Mahto
2.Sanjay Mahto
3.Dharmendra Kumar Mehta @ Dharmendra Mahto Appellants
Versus
The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant (s) : Mr. Arun Kumar, Advocate
For the State : Mr. Vineet Kr. Vashistha, Spl.PP

02/Dated:19th December, 2025

The appellant-Nirmal Kumar Mehta (in Cr. Appeal (Filing) (S.J) No. 28606 of 2025) has been convicted under section 326, 325, 323, 504 of IPC and sentenced to undergo imprisonment of three (03) years, one (01) year, six (06) months and one (01) year respectively and the appellants namely, Karamchand Mahto, Sanjay Mahto and Dharmendra Kumar Mehta @ Dharmendra Mahto (in Cr. Appeal (Filing) (S.J) No. 28634 of 2025) have been convicted under section 326, 325, 323, 504 and 341 of IPC and sentenced to undergo imprisonment of three (03) years, one (01) year, six (06) months, one (01) year and one (01) month each respectively .

2. It appears that even the learned Trial Court has not indicated as to whether the sentence is Rigorous Imprisonment or Simple Imprisonment in a very casual manner.

3. It appears that the learned Trial Court has no basic knowledge of Cr.P.C as it has granted final bail to the appellant-

Nirmal Kumar Mehta (in Cr. Appeal (Filing) (S.J) No. 28606 of 2025) and the appellants namely, Karamchand Mahto, Sanjay Mahto and Dharmendra Kumar Mehta @ Dharmendra Mahto (in Cr. Appeal (Filing) (S.J) No. 28634 of 2025) in the light of the Section 389(3) of Cr.P.C and only the Appellate Court has got the power to suspend the sentence under the provision of Section 389(1) and to confirm the provisional bail order of learned Trial Court for granting provisional bail under Section 389(3) of Cr.P.C.

4. It appears that the learned Trial Court has exceeded its jurisdiction by passing final bail order in favour of the appellants(s) by directing him/them to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the equal amount.

5. Under the circumstances, call for an explanation from the Court of Mr. Abhas Kumar, learned Additional Sessions Judge-IX, Palamau at Daltonganj as to why he has granted final bail to the appellant-Nirmal Kumar Mehta (in Cr. Appeal (Filing) (S.J) No. 28606 of 2025) and the appellants namely, Karamchand Mahto, Sanjay Mahto and Dharmendra Kumar Mehta @ Dharmendra Mahto (in Cr. Appeal (Filing) (S.J) No. 28634 of 2025) in complete violation of Section 389(1) and Section 389(3) of Cr.P.C.

6. Learned Registrar (Judicial) is directed to call for an explanation and shall submit its report before this Court.

7. Let a copy of this order be sent to the learned Principal District and Sessions Judge, Palamau at Daltonganj and who shall impress upon all the Judicial Officers in his Judgeship of Palamau at Daltonganj not to pass order for final bail in such cases and shall circulate the same in his Judgeship.

8. Let a copy of this order be sent to the learned Registrar (Judicial) for the needful.
9. The learned Trial Court must remain careful in future.
10. Put up this case on 09.01.2026.

(Sanjay Prasad, J.)

Dated: 19.12.2025
Saket/-