

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No. 06 of 2026

Nirmal Kumar Mehta Appellant
Versus
The State of Jharkhand Respondent
with

Cr. Appeal (S.J) No. 07 of 2026

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

04/Dated:09th February, 2026

Criminal Appeal (S.J) No.06 of 2026 and Criminal Appeal (S.J) No.07 of 2026 have been filed on behalf of the appellants challenging the judgment of conviction dated 20.11.2025 and sentence dated 22.11.2025 passed in S.T. No.157 of 2018 by Mr. Abhas Kumar, learned Additional Sessions Judge-IX, Palamau at Daltonganj by which the appellants have been convicted for the offences under sections 326, 325, 323 and 504, 34 of IPC and sentenced him to undergo for three (03) years, one (01) year, six (06) months and one (01) year respectively. The appellants have also been directed to pay the fine of Rs.25,000/ under section 326 of IPC.

2. Vide order dated 19.12.2025, passed by this Court, a show cause was issued to Mr. Abhas Kumar, learned Additional Sessions Judge-IX, Palamau at Daltonganj for granting final bail instead of provisional bail to the appellant(s) of both the

Criminal Appeal i.e. Cr. Appeal (S.J) No. 06 of 2026 and Cr. Appeal (S.J) No. 07 of 2026.

3. However, Mr. Abhas Kumar, learned Additional Sessions Judge-IX, Palamau at Daltonganj has not filed explanation in his ego, pursuant to show cause rather he has sent the Letter No.02/2026 dated 05.01.2026 in defiance of the order of this Court by which he has defended his order for granting regular bail instead of tendering apology and he has tried to show before this Court that he is a learned Judicial Officer.

4. The Letter No.02/2026 dated 05.01.2026 shows the disobedience and defiance approach of the Judicial Officer who is working as an Additional Sessions Judge-IX, Palamau at Daltonganj and letter dated 05.01.2026 amounts to gross indiscipline and negligence on the part of the Judicial Officer for justifying and defending his order that he is empowered to grant final bail in the light of judgment passed by the Hon'ble Patna High Court reported in 2014 SCC Online Pat 7874 (Chandrashekhar Bharti and Ors. vs. State of Bihar).

The Trial Court has also enclosed the copy of the judgment passed by the Patna High Court reported in 2014 SCC Online Patna 7874 (Chandrashekhar Bharti and Ors. vs. State of Bihar).

5. From perusal of the above judgment, it would appear that the Trial Court has thoroughly misinterpreted the judgment pronounced by the Hon'ble Patna High Court and has ventured to defend his order dated 20.11.2025 in complete disregard and disobedience to the order dated 19.12.2025 passed by this Court.

6. It is evident that the Trial Court instead of granting provisional bail to the appellant(s) has granted final bail to the appellant(s) on 22.11.2025 and 24.11.2025 respectively by

suspending their sentences and by usurping the power of the High Court.

7. Even as per provisions of section 325, 323 and 504 of the IPC, the Trial Court is also required to impose fine also but he has failed to do so.

8. Mr. Abhas Kumar, learned Additional Sessions Judge-IX, Palamau at Daltonganj appears to be an immature and negligent officer as he had not recorded even the proper sentence as to whether it is Rigorous Imprisonment or Simple Imprisonment. Such Officer requires proper training and should learn how to correspond with his Superior Court.

9. Issue show cause notice as to why a disciplinary proceeding be not initiated against Mr. Abhas Kumar, Additional Sessions Judge-IX, Palamau at Daltonganj by referring the matter before the Administrative Committee of this High Court for disobeying the order dated 19.12.2025 passed by this Court by which explanation was sought for but instead of tendering apology he has defied the order dated 19.12.2025 passed by this Court and tried to defend his own order dated 22.11.2025 in S.T. No.49 of 2018 and S.T No.157 of 2018 by which he has suspended the sentences of the appellants and granted final bail to the appellants instead of provisional bail.

10. Section 325 of the IPC prescribes imposition of fine upon the convicts also but the Trial Court has not imposed any fine.

11. It further transpires that no sentence has been imposed upon the appellants under section 341 of the IPC, although Court below in its impugned judgment at para-32 has mentioned that offence under section 341 is also made out but while passing order on the point of sentence, no punishment has been imposed under section 341 IPC which appears to be a clerical mistake, a lacuna on the part of Court below.

12. Even Section 323 and 504 of the IPC also require imposition of fine though it is discretionary in nature and the Court below ought to have explained the circumstances by which it has not imposed fine upon the appellants.

13. It also transpires that although the charges were framed against the appellant(s) under sections 307/34, 323/34, 325/34 and 341/34 of IPC. However, the Trial Court has convicted the appellant(s) under Sections 326, 325, 323 and 504 of IPC and sentenced them to undergo for three (03) years and to pay the fine of Rs.25,000/, one (01) year, six (06) months and one (01) year respectively.

14. It further appears from the impugned judgment dated 20.11.2025 that the injuries sustained by the injured-Ashish Mahto, read as follows:-

- “I. Lacerated wound on right ear about ½” x ½”*
- II. Lacerated wound on occipital area of head about 1” x ¼ x 1/3”,*
- III. Abrasion on right shoulder front area 2” x 1” and*
- IV. Lacerated wound on first web space ½” skin deep.*

15. The injury sustained by another injured-Pawan Kumar Mahto, read as follows:-

- “I. Lacerated wound on right parietal area of head ½” x ½” x ¼”*
- II. Lacerated wound on right fronto parietal area about 1 ½” x ¼” and*
- III. Swelling over right elbow joint 2” x 2”.”*

16. Although the Court below has mentioned the injury report in the impugned judgment but the LCR is not available with the Court and hence this Court may also consider the proportionality of the sentence imposed upon the appellants by the Trial Court

below. The injury reports of injured Ashish Mahto and Pawan Kumar Mahto reveals that he had sustained two injuries on their head.

17. It also reveals from the impugned judgment that as per FIR the appellants had attacked the informant and his family members by *Farsa*, *Sword*, *Lathi* and hurling *Pistol* and had caused serious injury to Pawan Mahto and Sanjay Mahto, Pawan Mahto's pregnant wife causing them serious injury.

18. It further reveals that both Pawan Mahto and Ashish Mahto had sustained serious injury and blood was oozing out from their heads as it reveals from the evidence of P.W-1.

19. P.W-3-Lilawati Devi also stated during her evidence that her son Pawan Mahto had sustained fractures in his hand, leg and nose and there were 12 to 14 stitches and accused had also assaulted another son Ashish Mahto who had sustained injury in his knees and hand and even the appellants had beaten her pregnant daughter in law Priyanka.

20. It further reveals from the records of Cr. Appeal (S.J) No.07 of 2026 that the judgment of conviction was passed on 20.11.2025 in S.T. No.49 of 2018, arising out of Chainpur P.S Case No.86 of 2016 and on the same day the co-convict Nirmal Kumar Mahto was also convicted in S.T. Case No.157 of 2018, arising out of Chainpur P.S Case No.86 of 2016 and order of sentence was passed on 22.11.2025.

21. Further, the Trial Court instead of allowing him bail on 22.11.2025, has taken application for suspension of sentence-cum-bail application. The Trial Judge has completely deviated from the practice prevalent in the State as the convicts were to be released on bail on the same day, if they are sentenced to undergo Simple or rigorous Imprisonment for a period up to three (03) years. But the appellants remained in custody for

further two (02) days due to emboldened and negligent approach of Trial Court and they were compelled to file Miscellaneous Criminal Application for their suspension of sentence-cum-bail application and then they were directed to be released on bail in terms of Section 430(3)(i) BNSS/Section 389(3)(i) Cr.P.C and Trial Court has observed that sentence shall be deemed to be suspended in terms of Section 430(3)(i) BNSS/Section 389(3)(i) Cr.P.C.

22. The Registrar (Judicial) is directed to communicate this order to the Additional Sessions Judge-IX, Palamau at Daltonganj at once through the learned Principal and District Sessions Judge, Palamau at Daltonganj and the same must be sent forthwith.

23. Let a copy of this order be also sent to the learned Registrar General and Director, Judicial Academy for training of the said Judicial Officer on the point of maintaining judicial discipline and etiquette and also for passing proper order in future.

24. Put up this case on 24.02.2026 and till then, the provisional bail of the appellant(s) is extended.

25. Call for the scanned copy of the Lower Court Records.

26. Let a copy of this order be sent to the learned Principal District and Sessions Judge, Daltonganj and which may be circulated in the judgeship of Daltonganj, so that no other Officer may commit such a mistake as has been committed by Sri Abhas Kumar, learned Additional Sessions Judge-IX, Palamau at Daltonganj.

(Sanjay Prasad, J.)