

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 14 of 2025

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1. Surendra Bhuiyan @ Surendra Ram
2. Devendra Bhuiyan @ Devendra Ram
3. Sudama Bhuiyan @ Sudama Ram **..... Appellants**

Versus

1. The State of Jharkhand
2. Manti Devi **..... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. A. K. Sahani, Advocate
For the State : Mr. Achinto Sen, A P. P.

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ORAL ORDER IN COURT

I. A. (Cr.) No. 6923 of 2025

11/16.09.2025 This Criminal Appeal has been filed on behalf of the appellants challenging the impugned judgment of conviction and sentence dated 09.12.2024 passed by Sri Nalin Kumar, learned Sessions Judge, Garhwa in connection with Ramkanda P.S. Case No. 34 of 2017 corresponding to G.R. No. 1655 of 2017 [S. T. No. 56 of 2019] by which the appellants have been convicted for the offences under Sections 323/34, 341/34 and 363/34 of the Indian Penal Code and sentenced to undergo R. I. for a period of five (5) years and to pay the fine of Rs. 10,000/- each for the offence under Section 363/34 of the Indian Penal Code.

However, no separate order of sentence under Sections 323/34 and 341/34 of Indian Penal Code have been passed in view of the substantive sentence imposed under Section 363/34 of Indian Penal Code.

However, further the learned Trial Court has acquitted the appellants for the offence under Section 452/149 of the Indian Penal Code.

2. I. A. (Cr.) No. 6923 of 2025 has been filed on behalf of the appellants for grant of bail during the pendency of this appeal.
3. Heard learned counsel for the appellants and learned counsel for the State.
4. Learned counsel for the appellants has submitted that the impugned judgment and sentence passed by the learned Court below is illegal, arbitrary and not sustainable in the eye of law. It is submitted that the appellants have committed no offence. It is submitted that there is no case of kidnapping and even no case of confinement is made out, rather the victim boy had himself fled away while he was being assaulted and which has been stated during his evidence while examined as P.W.-7. It is submitted that P.W.-4 is the sister of the victim boy and who has also not stated about the kidnapping. It is submitted that P.W.-1, Chandeshwar Prasad and P.W.-2, Birendra Sao have been declared hostile. It is submitted that P.W.-3, i.e. the Sister of the Victim Boy and she has not supported the prosecution case. It is submitted that even I. O. has not found the case of kidnapping. It is submitted that the appellant no. 1, Surendra Bhuiyan @ Surendra Ram and appellant no. 2, Devendra Bhuiyan @ Devendra Ram had remained in custody for around two (2) months during trial. However, the appellant no. 3, Sudama Bhuiyan @ Sudama Ram had been granted Anticipatory Bail during trial and the appellants have never misused the privilege of bail and after the conviction, the appellant nos. 1 and 2 are in custody since 09.12.2024 i.e. for nine (9) months i.e. total eleven (11) months and hence, they may be enlarged on bail.
5. Learned counsel for the State has opposed the prayer for bail and has submitted that the appellants had taken away the victim boy from his house in the midnight, who was aged around

fourteen (14) years at the time of institution of the case and P.W.-4 i.e. the Sister of the Victim Boy and P.W.-7 i.e. the Victim Boy have supported the prosecution case and hence the prayer for bail of the appellants may be rejected.

6. Perused the Lower Court Records and considered the submissions of both the sides.

7. It appears that the learned Trial Court has taken lenient view and has acquitted the appellants for the offence under Section 452/149 of the Indian Penal Code. However, this Court finds that P.W.-4 i.e. the Sister of the Victim Boy and P.W.-7 i.e. the Victim Boy specifically stated in their evidence that the Victim Boy was taken away from his house in the midnight and he was assaulted and however, it is claimed to be fled away himself, but the fact that the appellants had arrived at his residence and taken him away. Though there is delay in lodging the FIR, but this Court finds that mother of victim boy was searching the victim boy during the said period.

8. Considering the facts and circumstances of the case, this Court is not inclined to enlarge the appellants on bail and hence, the prayer for bail of the appellants is rejected at this stage.

9. Accordingly, I.A. (Cr.) No. 6923 of 2025 is hereby, rejected and stands disposed of.

(Sanjay Prasad, J.)

Kamlesh/