

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 93 of 2025
With
I.A. No. 2254 of 2025

1. Sahdeo Yadav
2. Sikandar Yadav

..... Appellants

Versus

1. The State of Jharkhand
2. Sunil Yadav

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mrs. Pinki Kumari, Advocate
For the State : Ms. Sushma Aind, A.P.P.
For the Resp.No.2 : Mr. Diwakar Jha, Advocate

10/30.01.2026

Heard Mrs. Pinki Kumari, learned counsel for the appellant and Ms. Sushma Aind, learned A.P.P. and Mr. Diwakar Jha, learned counsel for the Informant.

2. This Criminal Appeal has been filed on behalf of the Appellants challenging the judgment of conviction dated 06.12.2024 and sentence dated 10.12.2024, passed by the learned Sessions Judge, Koderma in Sessions Trial No. 34 of 2022 and Sessions Trial No.35 of 2022, by which the Appellants, namely Sahdeo Yadav and Sikandar Yadav have been convicted for the offences under Sections 323, 341, 307, 504 and 506/34 of I.P.C. and sentenced to undergo R.I. for seven (07) years and to pay the fine of Rs.20,000/-, R.I. for One (01) year and to pay the fine of 1,000/-, R.I. for One (01) year and to pay the fine of Rs.1,000/-, R.I. for One (01) year and to pay the fine of Rs.1,000/- and R.I. for One (01) month and to pay the fine of Rs.100/- for the offence under Sections 307/34, 323/34, 504/34, 506/34 and 341/34 of I.P.C. respectively.

3. As per F.I.R., it is alleged that during a meeting on 23.02.2021, at about 6.30 P.M., for construction of Devi Mandap in the Village, when contribution was demanded from the appellants, Appellant No.1, namely Sahdeo Yadav became furious and started to abuse in filthy language regarding such construction and when father of the Informant protested, then Sikandar Yadav, i.e. Appellant No.2 knocked him down and Sahdeo Yadav, i.e. Appellant No.1 assaulted him by means of Tangi upon the head of father of the Informant with intention to kill as a result of which his forehead was fractured and blood started oozing out. It is further alleged that on protest of the villagers the appellants fled away and family members Mahendra Yadav, Manju Devi, Shiv Shankar Yadav, Ram Sharan Yadav had thrown stones at the villagers from the roof in a pre-planned manner. The father of the Informant was being treated in the RIMS and when Informant came to Police Station to give information, accused Mahendra Yadav and 4-5 known persons surrounded him and at the point of revolver threatened him of dire consequences.

I.A. No. 2254 of 2025

4. The instant Interlocutory Application has been filed on behalf of the appellants under Section 430 (1) of Bharatiya Nagarik Suraksha Sanhita, 2023 for suspension of their sentence and grant of bail during pendency of the Criminal Appeal.

5. During the course of argument, learned counsel for the appellants seeks permission not to press the bail for the Appellant No. 1, namely Sahdeo Yadav in I.A. No. 2254 of 2025.

6. No objection has been raised by both learned counsel for the State as well as learned counsel for the Respondent No.2.

7. Under the circumstances, part of this I.A. No. 2254 of 2025 is rejected as not pressed as bail of the Appellant No.1, namely Sahdeo Yadav is not pressed for.

8. So far as the other appellant, i.e. Appellant No. 2, namely Sikandar Yadav is concerned, learned counsel for the Appellant No.2 has submitted that the impugned judgment of conviction and sentence passed by the learned Trial Court is illegal, arbitrary and not sustainable in law. It is submitted that the allegations against the appellant No. 2 are false and concocted. It is submitted that at best the allegation against Appellant No.2, namely Sikandar Yadav, is for thrashing the injured Banwari Yadav on the ground. It is submitted that the Appellant No. 2, namely Sikandar Yadav, has remained in custody for around one year and hence, prayer for bail made on behalf of Appellant No.2, namely Sikandar Yadav may be allowed.

9. On the other hand, learned A.P.P. has opposed the prayer for bail.

10. Learned counsel for the Informant has opposed the prayer for bail made on behalf of the appellant No.2, Sikandar Yadav. It is submitted that there is direct allegation against the Appellant No.2, mainly Appellant No.2, for assaulting and thrashing the injured Banwari Yadav. It is submitted that injured Banwari Yadav was examined as P.W.5 and he has fully supported the prosecution case. It is submitted that the Doctor, who had been examined as P.W.1, and proved the injury report, had found grievous injury on the head of the

injured Banwari Yadav, who was referred to RIMS, Ranchi for treatment by the Sadar Hospital, Koderma. It is submitted that other eye-witnesses examined as P.W.1, P.W.2 and P.W.3, namely Surendra Yadav, Ranjeet Prasad Yadav and Manoj Yadav respectively have also supported the prosecution case. It is submitted that the P.W.8, namely Krishna Ram, who is the Investigating Officer of this case, has also corroborated and supported the prosecution case and hence, the prayer for bail made on behalf of the Appellant No.2, namely Sikandar Yadav may be rejected.

11. Perused the Trial Court Records and considered the submission of both the sides.

12. From perusal of the F.I.R., it would appear that Sikander Yadav, i.e. Appellant No.2 has thrashed the injured Banwari Yadav on the ground and other co-convict is said to have assaulted him by Tangi on his head due to which the injured sustained head injury.

13. It transpires from the evidence of prosecution witnesses that a meeting was convened in the village for performing '*Yagya*' and for collection of *Chanda* and in the meantime an altercation took place and the Appellant No.2, namely Sikandar Yadav had thrashed the injured Banwari Yadav on the ground, whereas the other co-convict is alleged to have assaulted him on the head by Tangi due to which he sustained head injury.

14. Under the circumstances and in view of the discussions made above, the Appellant No.2, namely Sikandar Yadav, 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 in connection with Sessions Trial No. 34 of 2022 and

Sessions Trial No. 35 of 2022, to the satisfaction of learned Sessions Judge, Koderma.

15. Thus, this I.A. No. 2254 of 2025 is allowed in part and stands disposed of.

16. Learned counsel for the Informant has submitted that till date nothing has been paid towards victim compensation.

17. It transpires that the learned Trial Court has not directed for payment of any compensation under the provisions of victim compensation scheme to the Informant.

18. Accordingly, seeing the nature of injury, this Court directs the Deputy Commissioner, Koderma and the Superintendent of Police, Koderma to pay the compensation of Rs.1,00,000/- (Rupees One Lakh) to the Informant, towards victim compensation scheme, for the present at this stage.

19. Let a copy of this order be sent to the Principal District & Sessions Judge, Koderma, Deputy Commissioner, Koderma, Superintendent of Police, Koderma and the Secretary, D.L.S.A., Koderma by Fax.

(Sanjay Prasad, J.)

s.m.
Dated 30.01.2026