
(2022) 06 JH CK 0035

In the Jharkhand High Court

Case No : Criminal Appeal (DB) No. 85 Of 2021

Arjun Mahli

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 27-06-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 326, 341
Prevention Of Witch (Daain) Practices Act, 2001 — Section ?

Citation : (2022) 06 JH CK 0035

Hon'ble Judges : Aparesh Kumar Singh, J; Anubha Rawat Choudhary, J

Bench : Division Bench

Advocate : Kripa Shankar Nanda, Bhola Nath Ojha

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the appellant Mr. Kripa Shankar Nanda and learned A.P.P. Mr. Bhola Nath Ojha on the prayer for suspension of sentence made through I.A. No. 4137 of 2022.

2. Appellant along with Bachhan Mahli stands convicted for the offence punishable under Sections 307/34, 326/34, 341/34 of the IPC Section 3/4 of the Prevention of Witch (Daain) Practices Act, 1999 by the impugned judgment dated 22.02.2021, passed by learned Additional Sessions Judge, Simdega, in Sessions Trial No. 125 of 2017 arising out of Simdega P.S. Case No. 61/2017 (G.R. No. 261/2017). Both the convicts have been sentenced vide order dated 27.02.2021 in the following manner.

SI

No.

offence

Sentence

Imprisonment

Fine

Default

1.

Sec. 341/34 of I.P.C.

S.I. for 01 (one) month

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2.

Sec. 326/34 of I.P.C.

R.I. for 10 (ten) years

Rs. 5000/-

only

R.I. for 06 (six)

months

3.

Sec. 307/34 of I.P.C.

R.I. for 10 (ten) years

Rs. 10,000/-

only

R.I. for 01 (one) year

4.

Sec. 3 of the Prevention of Witch (Daain) Practices
Act, 1999

R.I. for 03 (three) months

5.

Sec. 4 of the Prevention of Witch (Daain) Practices
Act, 1999

3. Learned counsel for the appellant submits that the co-convict Bachan Mahli has been enlarged on bail by this court vide order dated 05.10.2021. The present

appellant has undergone custody since 13.06.2017 i.e. more than half of the sentence of 10 years imposed under Section 307/34 of the Indian Penal Code. Therefore the appellant also be enlarged on bail by suspending his sentence.

4. Learned A.P.P. has opposed the prayer.

5. On consideration of the rival submissions of learned counsel for the parties and the materials placed on record including the fact that the appellant has remained in custody for more than half of the sentence, we are inclined to enlarge the appellant on bail. Accordingly, the appellant named above is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of like amount each to the satisfaction on learned Additional Sessions Judge, Simdega, in Session Trial No. 125 of 2017 with the condition that one of the bailors shall be the deponent of the affidavit, Ashok Nag, S/o Lalit Nag, Resident of Karamtoli, Morabadi P.O. and P.S. Karamtoli District Ranchi, Jharkhand, whose U.I.D. card enclosed to the I.A. be sent to learned trial court for verification at the time of his release. Other bailor shall be the family member/close relative of the appellant. Appellant and his bailors shall not change their mobile numbers or address without permission of trial court and shall also submit their Aadhar Card at the time of his release.

6. I.A. No. 4137 of 2022 stands disposed of.