
(2011) 11 JH CK 0027

In the Jharkhand High Court

Case No : Criminal Appeal (DB) No. 479 of 2011

Bajranghi Bhuinya and Others

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 14-11-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 201, 34

Citation : (2011) 11 JH CK 0027

Hon'ble Judges : R.K. Merathia, J;Dhrub Narayan Upadhyay, J

Bench : Division Bench

Judgement

1. Heard the parties on prayer for bail and perused the lower court records.
2. It is submitted that appellant no. 4-Pacchu Bhuinya has been convicted only u/s 201/34 of the Indian Penal Code and has been sentenced to undergo R.I. for five years.
3. It is further submitted that the alleged occurrence took place on the suspicion that the deceased committed witchcraft, due to which Ramnath Bhuinya died and that there are vital contradictions in the evidences and that appellants have remained in jail for a total period of about two years by now.
4. In the facts and circumstances of the case, we are not inclined to grant bail to appellant nos. 1, 2, 3 and 5 namely Bajranghi Bhuinya, Chandradip Bhuinya @ Chandip Bhuinya, Amarik Bhuinya and Jagarnath Bhuinya. Accordingly, their prayer for bail is rejected.
5. However, appellant no. 4 namely Pacchu Bhuinya is directed to be released on bail, during pendency of the appeal, on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of trial court/ Sessions Judge, Palamau at Daltonganj, in Sessions Trial No. 123 of 2007, on the conditions that (I) one of the bailers will be his close relative and (II) other bailer should have landed property within the jurisdiction of the Court.