
(2022) 03 JH CK 0068

In the Jharkhand High Court

Case No : Criminal Appeal (DB) No. 246 Of 2016

Chhote Kumar Prasad

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 30-03-2022

Acts Referred:

Citation : (2022) 03 JH CK 0068

Hon'ble Judges : Ananda Sen, J; Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : D.K.Chakraverty

Final Decision : Allowed

Judgement

I.A. No.6062 of 2021

Heard the learned counsel for the appellant and the learned counsel for the State.

By way of filing this interlocutory application the appellant has renewed his prayer to release the appellant on bail after suspending the sentence on the ground of custody during pendency of this appeal.

The learned counsel for the appellant submits that the appeal will not be taken up as there is remote possibility of this appeal being taken up in near future. He further submits that the appellant is in custody since 09.04.2014 i.e. nearly 8 years. He further submits that from the evidence of P.W.-7 it is clear that the appellant has also fired so as the other co-accused persons but whether it is the bullet fired by the petitioner has caused death of the deceased, is not known.

The learned A.P.P. has opposes the prayer for bail. Considering the submissions of the learned counsel for the appellant and the fact that the appellant is in custody for nearly 8 years and there is no likelihood of this appeal being taken up in near future, we are inclined to release the appellant after suspending the sentence, during pendency of this appeal. The sentence against the appellant namely, Chhote Kumar Prasad, is suspended and he is directed to be released on

bail, during pendency of this appeal, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-II, Jamshedpur in connection with Sessions Trial No.339 of 2014, subject to the condition that he will appear and mark his attendance once in every four months before the Registrar, Civil Court, Jamshedpur till the disposal of this appeal.

Accordingly, this interlocutory application stands allowed.