
(2016) 07 JH CK 0033

In the Jharkhand High Court

Case No : Cr. Appeal (D.B.) No. 411 of 2015 with I.A. No. 4212 of 2016

Jayanti Devi

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 22-07-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 389

Citation : (2016) 4 JBCJ 205

Hon'ble Judges : Mr. Virender Singh, CJ. and Mr. Shree Chandrashekhar, J.

Bench : Division Bench

Advocate : Mr. Ramesh Kumar Singh, Advocate, for the Appellants; Mr. S.K. Srivastava, A.P.P, for the State

Final Decision : Disposed Off

Judgement

Virender Singh, C.J.—I.A. No. 4212 of 2016

The learned counsel for the applicant-appellant states that although, the arguing counsel has instructed him to make a request for adjournment but he has gone through the brief and he is in a position to assist the Court.

2. At the very outset, learned counsel for the applicant-appellant states that inadvertently, Jayanti Devi is also shown as one of the applicants in I.A. No. 4212 of 2016 whereas, she has already been granted the concession of suspension of sentence by the Court vide order dated 17.12.2015. He states that name of Jayanti Devi may kindly be deleted as one of the applicants in the said application.

Oral request acceded to.

3. The instant application, thus survives qua, Baleshwar Bedia only who is languishing in jail since the date of his initial arrest.

4. The learned counsel submitted that taking the prosecution case as a whole, the part attributed to the applicant-appellant would bring his case within the

mischievous of Section 201 I.P.C. and he, in any case, cannot be connected with the main charge of 302 I.P.C. even remotely. Learned counsel then submitted that there appears to be no chance of hearing the instant appeal at an early date being of the year 2015.

5. Whatever is submitted on facts by the learned counsel for the applicant-appellant is not controverted by the learned State counsel, however, the prayer for bail is opposed.

6. Keeping in view the totality of the facts and circumstances of the present case and without commenting on the merits, lest it may prejudice the case of either side at the relevant stage, coupled with the fact that the instant appeal is not likely to be heard in near future, the applicant namely, Baleshwar Bedia deserves the concession of suspension of sentence.

7. Resultantly, the instant application is allowed, as prayed for.

8. Let the applicant-appellant namely, Baleshwar Bedia, be released on bail, during the pendency of the instant appeal, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Judicial Commissioner-IV, Ranchi in connection with Sessions Trial No. 862/2012.

9. I.A. No. 4212 of 2016 stands disposed of accordingly.