

(2021) 03 JH CK 0157

In the Jharkhand High Court

Case No : I.A. No. 1150 Of 2021 In Criminal Appeal (S.J.) No. 361 Of 2020

Khustar Ansari And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 399, 402
Arms Act, 1950 — Section 25(1A), 25(1b)a, 26

Citation : (2021) 03 JH CK 0157

Hon'ble Judges : Amitav K. Gupta, J

Bench : Single Bench

Advocate : Rajesh Kumar, Anuradha Sahay

Final Decision : Allowed

Judgement

1. This interlocutory application has been filed under Section 389 (1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail to the appellant no. 4, Abdul Kuddus Ansari, during the pendency of the appeal.

2. The appeal is directed against the judgment dated 05.03.2020, passed by the court of learned Additional Sessions Judge-III, Garhwa in Sessions Trial No. 303 of 2018, whereby the appellant no. 4, Abdul Kuddus Ansari, and co-accused have been found guilty and convicted for the offence under sections 399 and 402 of the Indian Penal Code and sections 25 (1-A), 25 (1-b) a and 26 of the Arms Act and sentenced to undergo rigorous imprisonment of 7 years and fine of Rs.10,000/- for the offence under section 25 (1-A) of the Arms Act, rigorous imprisonment of 2 years and fine of Rs.2,000/- under section 25 (1-b) a of the Arms Act and rigorous imprisonment of 5 years and fine of Rs.2,000/- for the offence under section 26 of the Arms Act respectively with a default clause.

3. Learned counsel for the appellants has submitted that this Court while considering the period of custody, the co-convicts have been granted bail vide order dated 03.11.2020 and 19.02.2021. It is submitted that the appellant is in

custody for nearly three years.

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

5. Heard. Considering the period of custody, the appellant no. 4, Abdul Kuddus Ansari is directed to be enlarged on bail, during the pendency of the appeal, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Garhwa in connection with Sessions Trial No. 303 of 2018 on the condition that he shall deposit Rs.5,000/- (Rupees Five Thousand), as part of the fine amount, in the court below.

6. The appellant shall remain present before the Court, when the appeal is taken up for hearing, failing which his bail shall be cancelled.

7. In the result, I.A. No. 1150 of 2021 stands allowed.