

(2011) 04 JH CK 0026

In the Jharkhand High Court

Case No : Criminal Application (DB) No. 974 of 2010

Laxmi Mahto and Others

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 27-04-2011

Acts Referred:

Citation : (2011) 04 JH CK 0026

Hon'ble Judges : Rakesh Ranjan Prasad, J; R.K. Merathia, J

Bench : Division Bench

Judgement

1. Heard the parties on the prayer for bail.

2. It is submitted that as per the prosecution case, the Appellants assaulted the deceased and the injured with Lathi; and that the land dispute is going on between the parties for about 20 years; and that there was case and counter case; and that the Appellant No. 1 Laxmi Mahto is aged about 70 years.

3. It appears that in Cr. Appl. (DB) No. 969/2010, the bail of co convicts was rejected on merit on 09/02/2011. The alleged occurrence took place in same transaction. There are several injuries on the deceased and on the injured by Lathi as well as by Tangi. In our opinion, the case of these Appellants is similar to the case of co convicts, who are the Appellants in the said appeal.

4. In the circumstances, we are not inclined to grant bail to Appellant Nos. 2 to 5. Accordingly, their prayer for bail is rejected.

5. However, keeping in view the age of Appellant No. 1, during pendency of the appeal, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/ (ten thousand) with two sureties of the like amount each to the satisfaction of the trial court (Additional Sessions Judge, F.T.C.II, Giridih) in connection with Sessions Trial No. 445 of 1989, subject to the conditions that one of the bailers will be her close relative and the other should have landed property within the local jurisdiction of the Court.

6. Put up this case with Cr. Appl. (DB) No. 969/2010.