

(2018) 01 JH CK 0043
In the Jharkhand High Court
Case No : 1548 of 2017

Md. Waris @ Abdul Waris @ Sk. Waris & Anr

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 04-01-2018

Acts Referred:

Indian Penal Code, 1860, Section 323,
Section 326 - Punishment for voluntarily causing hurt -
Voluntarily causing ievous hurt by dangerous weapons or means

Citation : (2018) 01 JH CK 0043

Hon'ble Judges : Anant Bijay Singh

Bench : Single Bench

Advocate : S.P. Roy

Judgement

I.A. No. 6965 of 2017

1. The present interlocutory application has been filed on behalf of the appellants praying for grant of bail after suspending the sentence during the

pendency of the appeal, who have faced trial in Sessions Trial No. 89 of 2010 and by judgment of conviction dated 31.07..2017 and order of

sentence dated 04.08.2017 Sri Dhruva Chandra Mishra, learned Additional Sessions JudgeIV, Godda held the appellant no. 1 guilty and

convicted him for the offence under section 326 and 323 of the I.P.C and further hold the appellant no. 2 guilty and convicted him for the offence

under section 326 of the I.P.C and thereafter sentenced them to undergo R.I for five years for committing an offence under section 326 of the

I.P.C and a fine of Rs. 5,000/and in default of payment of fine they will further undergo R.I for six months and further be pleased to sentence

appellant no. 1 to undergo S.I for six months for the offence committed under

sections 323 of the I.P.C and all the sentences were directed to run concurrently.

2. The appeal was admitted under order dated 12.09.2017 and L.C.R was called for which has been received.

3. It was submitted by the counsel for the appellants that the appellants are in custody since 31.07.2017 and there is land dispute between the parties.

4. From perusal of case record, it appears that P.W.7 Dr. Chandra Shekhar Azad has examined Md. Manauwar Hussain, Md. Hasnain and Md.

Kalimauddin. According to P.W.7, injury to Md. Manauwar Hussain was sharp cutting injury over right side of neck crossing from the right

clavicle bone crossing right clavicle up to right side of chest anteriorly and nature of injury was grievous. Further, injury of Md. Kalimuddin was

also found grievous and injury to Md. Hasnain was swelling and it was found simple in nature.

5. Learned APP has opposed the prayer for bail.

6. In the facts and circumstances of the case, I hereby suspend the sentence awarded to aforesaid appellants and accordingly, above named

appellants are directed to be released on bail during pendency of this instant appeal on furnishing bail bond of Rs. 10,000/(Rupees ten

thousands)each with two sureties of the like amount each to the satisfaction of the court of Sri Dhruva Chandra Mishra, learned Additional

Sessions JudgeIV, Godda, in connection with Sessions Trial No. 89 of 2010. Further, the appellants are directed to deposit Rs. 15,000/each

before the trial court on the date of their furnishing bail bonds and the aforesaid amount will be subsumed in the fine amount. Thereafter, the trial

Court is directed to issue notice to Md. Manauwar Hussain (P.W.4), Md. Hasnain (P.W.1) and Md. Kalimauddin (P.W.3). Thereafter, the trial

court will release the amount of Rs. 15,000/in favour of Md. Manauwar Hussain (P.W.4), Rs. 10,000/in favour of Md. Kalimauddin (P.W.3) and

Rs. 5,000/in favour of Md. Hasnain (P.W.1) after making proper verification. It is made clear that deposition of aforesaid amount will not

prejudice the case of the appellants.

7. I.A. No. 6965 of 2017 stands allowed and disposed of.

8. Let a copy of this order be communicated to the trial court through FAX