
(2020) 01 JH CK 0177

In the Jharkhand High Court

Case No : Criminal Appeal (SJ) No. 664, 779 Of 2019

Rangbahadur Singh And Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 14-01-2020

Acts Referred:

Citation : (2020) 01 JH CK 0177

Hon'ble Judges : R. Mukhopadhyay, J

Bench : Single Bench

Advocate : A.K. Kashyap, Sheo Kumar Singh, Sanjay Kr. Srivastava

Final Decision : Allowed

Judgement

I.A. No. 10362 of 2019 in Cr. Appeal (SJ) No. 664 of 2019 with I.A. No. 8110 of 2019 in Cr. Appeal (SJ) No. 779 of 2019.

Heard Mr. A.K. Kashyap, learned senior counsel for the appellant who has pressed I.A. No. 8110 of 2019 and Mr. Sheo Kumar Singh, learned

counsel for the appellants in I.A. No. 10362 of 2019 and opposed by Mr. Sanjay Kr. Srivastava, learned A.P.P. for the State.

Both these interlocutory applications have been preferred by the appellants for grant of bail to them during the pendency of these appeals.

It has been submitted by Mr. Sheo Kumar Singh, learned counsel for the appellants in Cr. Appeal (SJ) No. 664 of 2019 that so far as the appellant no.

1 is concerned he has already completed his sentence and as regards appellant nos. 2 and 3 are concerned only cartridges are said to have been

recovered from their possession and the total period of custody undergone by them is about 11 months.

Mr. A.K. Kashyap, learned senior counsel for the appellant in Cr. Appeal (SJ) No.

779 of 2019 has submitted that although the prosecution has alleged that a revolver was seized from his possession but the same has not been supported by the seizure list witnesses who are P.W.10 and P.W.12.

It has been stated that the recovered pistol was in a rusted condition and the barrel was also broken. Learned senior counsel further submits that the Sergeant Major had not tested the revolver appropriately to verify as to whether the same was in a working condition or not. He has further submitted that the appellant is in custody for a period of about 11 months in total.

Learned A.P.P. for the State has opposed the prayer made by the appellants.

It appears that so far as the recovery of pistol is concerned the same was effected from the appellant no. 1 in Cr. Appeal (SJ) No. 664 of 2019 and as stated above the said appellant has already completed his sentence. The other appellants in Cr. Appeal (SJ) No. 664 of 2019 are concerned cartridges were said to have been recovered from them which however has been disputed by the learned counsel for the appellants.

The appellant in Cr. Appeal (SJ) No. 779 of 2019 seems to have been convicted on account of recovery of a pistol from his possession but it appears from the evidence of the witnesses as discussed above the condition of the recovered pistol was not of such a nature which would lead to its functioning as P.W.1, P.W.7 and P.W.8 have stated thus. So far as the seizure is concerned the same has also been disputed in view of the evidence of seizure list witnesses being P.W.10 and P.W.12.

On consideration of the aforesaid facts the appellant nos. 2 and 3 in Cr. Appeal (SJ) No. 664 of 2019 and the appellant in Cr. Appeal (SJ) No. 779 of 2019, during the pendency of these appeals are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-III, Palamau at Daltonganj in Sessions Trial No. 346 of 2018, arising out of Sadar (Satbarwa) P.S. Case No. 07/2014, corresponding to G.R. No. 36/2014.

Both I.A. No. 10362 of 2019 in Cr. Appeal (SJ) No. 664 of 2019 and I.A. No. 8110 of 2019 in Cr. Appeal (SJ) No. 779 of 2019 stand allowed and disposed of.