
(2020) 08 JH CK 0123

In the Jharkhand High Court

Case No : I.A. No. 11502 of 2019 In Criminal Appeal (S.J.) No. 1045 of 2019

Sagar Bauri And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 19-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 147, 149, 307, 323, 341

Citation : (2020) 08 JH CK 0123

Hon'ble Judges : Amitav K. Gupta, J

Bench : Single Bench

Advocate : Lily 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 appellants, during the pendency of the appeal.

2. The appellants have been convicted for the offence under Sections 147, 341/149, 323/149 and 307/149 of the Indian Penal Code and the maximum sentence awarded is of 7 years and to pay a fine of Rs.5,000/- for the offence under Sections 307/149 of the Indian Penal Code.

3. Heard the learned counsel for the appellants and learned A.P.P.

On perusal of the materials on record, it appears that though all the injured persons and specifically P.W. 11 have stated that the appellants had struck him with 'kulhari' (axe), the Doctor (P.W. 5), who examined P.W. 11 did not find any sharp cutting injury on P.W.11. In fact, P.W. 5 has opined that the injury was grievous in nature and caused by hard and blunt object.

The case of the present appellants stands on similar footing to that of other seven (7) co-accused, who have been granted bail vide order dated 04.02.2020

in Cr. Appeal (SJ) No. 1030 of 2019, accordingly the appellants are directed to be enlarged on bail on suspension of the sentence, during the pendency of the appeal, on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand), each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Bokaro in connection with S.T. No. 40 of 2019 on the condition that they shall deposit the fine amount in the court below.

4. In the result, I.A. No. 11502 of 2019 stands allowed.

Cr. Appeal (S.J.) No. 1045 of 2019

1. Office to list this appeal along with Cr. Appeal (SJ) No. 1030 of 2019 under the heading 'For hearing' as per seriatim.