

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (D.B.) No.927 of 2022

Dilip Das **Appellant**
Versus
The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE AMBUJ NATH

For the Appellant : M/s. Sahil, Advocate
For the State : M/s. Saket Kumar, A.P.P.

06/Dated:23rd, January, 2023
I.A. No.8227 of 2022

Heard Mr. Sahil, learned counsel for the appellant and Mr. Saket Kumar, learned A.P.P

This interlocutory application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

The appellant has been convicted for the offences punishable under sections 302/201 of the Indian Penal Code and has been sentenced to undergo imprisonment for life along with a fine of Rs. 20,000/-for the offence under section 302 of the Indian Penal Code.

It has been alleged that the younger brother of the informant was brutally murdered by the appellant.

Submission has been advanced by the learned counsel for the appellant that the entire case of the prosecution hinges upon the eyewitness account of P.W.4 and P.W.9. It has been submitted that so far as P.W.4 is concerned he has stated about the disclosure made by the appellant with respect to the dead body of his brother which was subsequently located by the villagers and the confession by the appellant before the police that he had committed the murder. Learned counsel submits while referring to the evidence of P.W.9 that P.W.9 has stated about witnessing the incident of assault committed upon the brother of the informant by the appellant and at the same time he has also stated about the presence of P.W.4 with him, though, the evidence of P.W. 4 stands contrary to what has been stated by P.W. 9. It has thus been submitted that there being major contradictions in the evidence of P.W. 4 and P.W.9, the appellant deserves to be released on bail.

Mr. Saket Kumar, learned A.P.P. has opposed the prayer for bail of the appellant.

It appears that as per P.W.9, P.W. 4 was also present with him when the incident of assault was committed by the appellant upon the brother

of the informant but as per the evidence of P.W.4 he claims that he had not witnessed the incident.

Regard being had to the aforesaid facts and circumstances, we are inclined to admit the appellant on bail. Accordingly, the appellant is directed to be released on bail, during the pendency of this appeal on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Tarun Kumar, learned District and Additional Sessions Judge-III, Koderma, in connection with S.T. No. 119/2019, arising out of Koderma P.S. Case No. 159/2019.

The aforesaid I.A. stands allowed and disposed of.

(Rongon Mukhopadhyay, J.)

(Ambuj Nath, J.)

Saurabh/-