

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**I.A. No.7864 of 2022**  
**In**  
**Cr. Appeal (S.J.) No.603 of 2022**

1. Dharmachandi Mahto
2. Jhaman Mahto @ Indradev Mahto
3. Virendra Mahto @ Birendra Mahto
4. Jivadhan Mahto ..... **Appellants**

**Versus**

The State of Jharkhand ..... **Respondent**

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**CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR**  
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For the Appellants : Mr. G. K. Sinha, Advocate  
For the State : Mr. Fahad Allam, A.P.P.  
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**04/Dated: 03<sup>rd</sup> November, 2022**

**I.A. No.7864 of 2022**

1. The present interlocutory application has been filed under Section 389(2) of the Code of Criminal Procedure for suspension of sentence and grant of ad-interim bail, to the appellants, during the pendency of the appeal.
2. The appeal has been preferred against the judgment of conviction dated 02.07.2022 and order of sentence dated 12.07.2022, passed by the court of learned Additional Sessions Judge - VI, Hazaribag, in S.T. No.251 of 2012, whereby the appellants have been convicted for the offence under Section 304(B) read with Section 120(B) of the Indian Penal Code and the maximum sentence imposed upon them is rigorous imprisonment for seven years along with a fine of Rs.10,000/- each with a default clause.
3. It appears that for the offence of dowry death, F.I.R was lodged and after investigation, the husband, the father-in-law and the mother-in-law of the deceased have faced the trial and accordingly they have been convicted and sentenced for rigorous imprisonment for life. The present appellants have been subsequently charged and they have faced the split up trial and after conclusion of the trial they have been convicted for seven years after conviction for the offence under Sections 304(B)/ 120(B) of I.P.C.
4. It has been submitted by the learned counsel for the appellants that they are *Mama Sasur* and *Fufa Sasur* of the deceased and they were not residing with the deceased and they are not the close family members. It has further been submitted that the father-in-law of the deceased has already been enlarged on bail vide order dated 09.10.2020, passed in I.A. No.4706 of 2020, filed in Cr. Appeal (D.B.) No.643 of 2019. On the above basis, prayer for suspension of sentence has been made.

5. On the other hand, learned A.P.P has opposed the prayer for suspension of sentence.
6. Considering the fact that the father-in-law of the deceased has already been enlarged on bail, I am inclined to suspend the sentence and enlarge the appellants on bail, 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 - VI, Hazaribag, in Sessions Trial No.251 of 2012, subject to the condition that the appellants will remain present before the Court when the appeal is taken up for hearing, failing which their bail shall be cancelled.
7. I.A. No.7864 of 2022 stands disposed of.

**(Rajesh Kumar, J.)**

**Chandan/-**