

(2024) 10 JH CK 0032

Jharkhand High Court

Case No: Criminal Appeal (S.J.) No. 599 Of 2024

Abdul Rahim

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Oct. 28, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 429

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Vandana Singh, Sharda Kumar

Final Decision: Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard learned counsels for appellants and respondent State.
2. This appeal is already admitted and Trial Court Record has been received.
3. The I.A. No. 9320 of 2024 has been filed for grant of bail by suspending the sentence, during pendency of the instant appeal.
4. The learned counsel for the appellants submits that the appellants have been convicted to undergo RI for four years under section 429 of the IPC along with fine of Rs.5,000/- and there are other sentences, however, direction is there that all the sentences will run concurrently and that has been passed by the judgment dated 16.08.2024 passed by learned Additional Sessions Judge-II, Bokaro in Sessions Trial Case No.210 of 2019 [arising out of Chandankiyari P.S. Case No.82 of 2018, G.R. No.973 of 2018].
5. The learned counsel for the appellants submits that the appellants are the auto drivers had having no criminal antecedent and they were all along on

bail during trial and now they are in custody since the date of judgment from 16.08.2024. She submits that witnesses of the seizure list have not been examined and in spite of that the conviction has been made.

6. The learned State counsel has opposed the prayer for grant of bail on the ground that even half of the sentence has not been completed by the appellants.

7. Considering that the appellants were all along on bail during trial and now they are in custody since the date of judgment from 16.08.2024 and seizure list witnesses have not been examined, I am inclined to grant bail to the appellants, during pendency of this appeal.

8. Accordingly, appellants, above named, are directed to be released on bail, during pendency of this appeal, on furnishing bail bond of Rs.25,000/-

(Twenty Five Thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-II, Bokaro in

Sessions Trial Case No.210 of 2019 [arising out of Chandankiyari P.S. Case No.82 of 2018, G.R. No.973 of 2018].

9. Instant I.A meant for grant of bail is allowed and disposed of.