

(2011) 09 JH CK 0047

Jharkhand High Court**Case No:** Criminal Application (SJ) No. 422 of 2008

Manbahal Ramand and Others

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: Sept. 22, 2011**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 395

Hon'ble Judges: R.K. Merathia, J**Bench:** Single Bench

Judgement

R.K. Merathia, J.

This interlocutory application has been filed on behalf of Appellant no. 4 Ram Kumar Goswami. It is submitted that he has remained in jail custody for five years and four months out of the sentence of 10 years and, therefore, he may be released on bail.

2. It appears that the prayer for bail of this Appellant was earlier rejected on merit on 10/12/2008. Thereafter, I.A. No. 2597 of 2009 was filed on behalf of this Appellant as well as Appellant no. 5 Raj Kumar Koyri @ Rajkumar, but nobody appeared to press that interlocutory application and, accordingly, the same was rejected and it was ordered to list this case for hearing according to its age. Then, on 04/04/2011, this case was ordered to be listed for 25th April, 2011 under the heading for hearing at the top of the list. Then, it appears from the order dated 16/06/2011 that nobody appeared on behalf of the Appellant on that day also. However, it was ordered to appoint a counsel from defence panel. On 07/07/2011, Mr. K.S.Nanda, learned Counsel appeared only on behalf of Appellant no. 4 Ram Kumar Goswami and, therefore, Mr. Yogesh Modi was appointed as counsel from the defence panel on behalf of the other appellants and the case was fixed for hearing on 21st July 2011.

3. In view of the said orders, passed in this case, it appears that the Appellant no. 4 is only interested in bail and not in the final hearing.

4. It appears that the prayer for bail of this Appellant was earlier rejected on merit on 10/12/2008, considering the serious allegations against this Appellant under Sections 395 IPC.
5. I do not find any reason to reconsider the prayer for bail of this Appellant . Accordingly, his prayer for bail is rejected.
6. Let this case be listed under the hearing for hearing according to its age.
7. I.A. No. 496 of 2011 stands disposed of.