

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Appeal (DB) No.238 of 2019**

Sherenius Kharia  
@ Raka @ Dilip

.... Appellant

Versus

The State of Jharkhand

.... Respondent

**CORAM: HON'BLE MR. JUSTICE H.C. MISHRA**  
**HON'BLE MR. JUSTICE RAJESH KUMAR**

For the Appellant : Mr. Kirpa Shankar Nanda, Advocate

For the Respondent : Mr. Saket Kumar, Advocate

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The matter was taken up through Video Conferencing. Learned counsels for the parties had no objection with it and submitted that the audio and video qualities are good.

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**I.A. No.4399 of 2020**

**6/10.09.2020** Heard learned counsel for the appellant and learned counsel for the State on the interlocutory application filed by the appellant for granting bail during the pendency of the appeal.

The appellant has been convicted and sentenced for the offences under Sections 307, 353, 414 of the Indian Penal Code and Section 27(2)/35 of the Arms Act and Section 17 of the CLA Act. For the offence under Section 307 of the Indian Penal Code, the appellant has been sentenced R.I. for 10 years, and for the offence under Section 27(2) /35 of the Arms Act, the appellant has been sentenced R.I. for life with fine.

The impugned Judgment shows that there was encounter between the police party and the members of the extremists group, in which several extremists including this appellant were injured and apprehended at the spot. One of the extremists had died. There appears to no injury on the police side in the encounter.

Learned counsel for the appellant has submitted that the appellant has remained in custody for more than five years and has prayed for bail

submitting that in the similar circumstances, other co-accused has been granted bail by order dated 8.6.2020 in I.A. No.1786 of 2020 in Cr. Appeal (DB) No.286 of 2019.

In the facts and circumstances of the case and taking into consideration the period of custody of the appellant, we are inclined to release the appellant on bail. Accordingly, appellant Sherenius Kharia @ Raka @ Dilip is directed to be released on bail, during the pendency of this appeal, on furnishing bail bond of Rs.10,000/- (ten thousand), with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-I, Simdega, in connection with S.T. No.64 of 2013.

The aforesaid interlocutory application is accordingly, allowed.

The Trial Court below, however, before issuing the release order, shall satisfy itself that the appellant has served more than five years of sentence and in case if this statement is found to be incorrect, the release order shall not be issued by the Trial Court below and the matter shall be reported to this Court.

The aforesaid interlocutory is accordingly, allowed with the direction as above.

**(H. C. Mishra, J.)**

**(Rajesh Kumar, J.)**