

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No.3323 of 2020
In
Cr. Appeal (D.B.) No.1298 of 2018

Afjal Aman **Appellant**

Versus

The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. J. K. Singh, Advocate
Mr. Lukesh Kumar, Advocate
For the State : Mr. Abhay Kumar Tiwari, A.P.P
For the Informant : Ms. Aprajita Bhardwaj, Advocate

09/Dated: 11th September, 2020

I.A. No.3323 of 2020

1. This interlocutory application has been filed under Section 389(1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail, to the petitioner, during the pendency of the appeal.

2. Learned counsel for the petitioner/ appellant has submitted that P.W.-9 has made embellishment and improvement in his testimony *vis-a-vis* the narration in F.I.R wherein he has not mentioned that P.Ws.-6 & 7 were present with him at the time of occurrence and this has been corroborated in paras-31 & 35 of cross-examination by the Investigating Officer.

It is argued that no medical prescription or cash memo has been produced to establish the case of the prosecution that P.W.-9 had gone to purchase the medicines neither the medicine shop-keeper has been examined by the prosecution. It is contended that, in fact, the prosecution's case is riddled with contradiction and there is a *prima-facie* case for suspension of sentence and grant of ad-interim bail to the appellant.

3. Learned A.P.P., assisted by learned counsel for the informant, has opposed the prayer for bail and submitted that vide order dated 21.10.2019, on consideration of the testimony of P.Ws.- 6, 7 & 9, the prayer for suspension of sentence has been rejected by this Court.

4. Heard. On consideration of the material evidence on record the prayer for bail of the petitioner has been rejected by a reasoned and speaking order dated 21.10.2019, we do not find any fresh ground for reconsidering the prayer for suspension of sentence and grant of ad-interim bail to the appellant.

5. In the result, I.A. No.3323 of 2020 stands rejected.

(Amitav K. Gupta, J.)

(Rajesh Kumar, J.)

Chandan/-