

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Criminal Appellate Jurisdiction)**  
**Cr. Appeal (D.B) No. 1397 of 2018**

Surendra Sahni ..... Appellant  
**Versus**  
The State of Jharkhand ..... Respondent

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**CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH**  
**HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through : Video Conferencing)**

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For the Appellant : Mr. Sanjay Kumar, Advocate.  
For the Respondent : Mrs. Priya Shrestha, A.P.P.

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**07/Dated: 25/06/2020**

**I.A. No. 1574/2020**

The appellant has preferred the instant interlocutory application for suspension of sentence and for his release on bail during pendency of the appeal on the ground that the appellant has remained in custody since 09.10.2018 i.e. from the date of conviction and prior to that, he has also remained in custody in this case.

Learned counsel for the appellant, Mr. Sanjay Kumar, has submitted that the appellant has been convicted for offence under Sections 399 & 402 of the Indian Penal Code and Section 25(1-B)a & 26 (1) of the Arms Act and awarded sentence in the following manner:-

<b>Sections</b>	<b>Sentence</b>	<b>Sentence (in default)</b>
Section 399 I.P.C.	R.I. for 10 years and fine of Rs. 20,000/-	R.I. for six months
Section 402 I.P.C.	R.I. for 7 years and fine of Rs. 15,000/-	R.I. for four months.
Section 25(1-B)a Arms Act	R.I. for 2 years and fine of Rs. 3,000/-	R.I. for two months.
Section 26(1) Arms Act	R.I. for two years and fine of Rs. 3,000/-	R.I. for two months.

Learned counsel for the appellant has further submitted that as per the prosecution case, the appellant along with Samsuddin Ansari, Liyakat Ali, Haroon Rashid and Md. Rashid @ Chutkuni have been arrested by the police and from possession of the appellant, Surendra Sahni, one local fire arm was recovered and appellant disclosed that they were making plan of robbery at NH-33.

Co-convict Liyakat Ali was also arrested and from his possession one cartridge .315 bore was recovered and he has been granted bail during pendency of the appeal by the Coordinate Bench of this Court. However, the local fire arm found from the possession of the appellant is also without any cartridge, as such, the appellant may also be enlarged on bail on any condition as he is a resident of district – Saran (Bihar).

Learned counsel for the State, Mrs. Priya Shrestha, Additional Public Prosecutor, has opposed the prayer for bail and has submitted that the prayer for bail of this appellant was not pressed on 17.07.2019 vide I.A. No. 5227/2019. The same was dismissed as withdrawn, as such, no fresh ground is made out.

Learned counsel for the State has further submitted that the appellant is a resident of Village – Bahrwagachi, P.O. & P.S. - Nayagaon, District – Saran, State – Bihar and if he is released on bail, after suspending the sentence, he may abscond.

Considering the rival submissions of the parties, since the co-convict namely, Liyakat Ali, Samsuddin Ansari, Haroon Rashid, Md. Rashid @ Chutkuni have already been enlarged on bail and appellant has remained in custody since 09.10.2018, as such, he is also directed to be enlarged on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand only) with two sureties of the like amount each in connection with Mango P.S. Case No. 615 of 2015, corresponding to G.R. No. 3981 of 2015 (S.T. No. 303 of 2018) to the satisfaction of learned Additional Sessions Judge-II, Jamshedpur on the following conditions:

- (i) One of the bailors shall be the close relative either father or son and another bailor shall be resident of State of Jharkhand.
- (ii) The appellant shall appear before the Officer-in-Charge of local police station of his native place i.e. Nayagaon P.S. in the district of Saran (Bihar) once every three months. If the appellant fails to appear before the Officer-in-charge on 1<sup>st</sup> Monday of every third month, the Officer-in-Charge shall inform the same to this Court.
- (iii) The Jail Authority shall release the appellant only after his medical check-up.

(iv) The Civil Surgeon, Jamshedpur/Hazaribagh, where the appellant is languishing in custody, is directed to get him medically examined and if required, appellant shall be sent for quarantine. But if no such requirement is there, appellant shall be released, if not warranted in any other case.

(v) The appellant shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through pandemic of Covid-19.

However, learned counsel for the State is at liberty to file an application for cancellation of bail of the appellant, if any terms and conditions is violated by the appellant.

Accordingly, I.A. No. 1574 of 2020 is hereby allowed.

**(Aparesh Kumar Singh, J.)**

**(Kailash Prasad Deo, J.)**

Sunil-Jay/