

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**I.A. No.8927 of 2019**  
**In**  
**Cr. Appeal (S.J.) 970 of 2019**

Yamuna Gope ..... **Appellant**

**Versus**

The State of Jharkhand .....**Respondent**

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**CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA**

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For the Appellant :Mr. Shailendra Jit, Advocate

For the State :Mr. N.P. Thakur, A.P.P

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**08/Dated: 24.06.2020**

**I.A. No. 8927 of 2019**

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 appellant, during the pendency of the appeal.

2. The appellant has been convicted for the offence under Sections 147, 148, 323, 325, 504, 307 read with Section 149 of Indian Penal Code, vide judgment dated 26.07.2019, passed by the court of learned Additional Sessions Judge-IV, Hazaribag, in ST No.420 of 2013 and sentenced to undergo R.I of two years for the offence under Section 147 IPC and three years R.I for the offence under Section 148 IPC and further sentenced to undergo R.I of two years for the offence under Section 504 IPC read with Section 149 IPC and sentenced to undergo R.I of seven years, and a fine of Rs10,000/- in default, thereof, to further undergo S.I of two months under Section 307 of IPC. The appellant is also sentenced to undergo R.I of one year under Section 323 IPC and R.I of five years and a fine of Rs.5,000/-, under Section 325 IPC.

3. Having heard the learned counsel for the appellant and learned A.P.P, and on perusal of the materials on record, it appears that the *ferdbayan* of the informant-PW-9 was recorded on 20.07.2012, whereas the FIR was registered on 26.07.2012. There is no explanation for the delay in lodging of the FIR. There was free fight between

the parties on account of theft of bolts of the tyre of the informant's tractor. PW-9 has testified that the appellant had hit him on the head with an iron rod.

PW-4- the Doctor who examined PW-9 at RIMS found the injuries on the head as simple in nature. PW-6, the Doctor who initially examined other injured persons at Sadar Hospital, Hazaribag, has not stated that PW-9 was examined by him and referred to RIMS, Ranchi, for better treatment.

In view of the materials on record, the appellant is directed to be enlarged on bail, during the pendency of the appeal, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IV, Hazaribag, in ST No.420 of 2013, subject to the condition that the appellant shall deposit the part of the fine amount of Rs.10,000/- in the court below.

4. The appellant shall remain present in the court when the appeal is taken up for hearing.

5. In the result I.A. No.8927 of 2019 stands allowed.

**(AMITAV K. GUPTA, J.)**