

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No.2483 of 2021
In
Cr. Appeal (S.J.) No.191 of 2021

Murli Prasad Mahto @ Murli Mahto
@ Murat Mahto **Appellant**

Versus

The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Santosh Kr. Soni, Advocate
For the State : Mr. Saket Kumar, A.P.P.
For the Informant : Mr. P. K. Prasad, Advocate

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

04/Dated: 06th September, 2021

I.A. No.2483 of 2021

1. This interlocutory application has been filed under Section 389(1) of the Code of Criminal Procedure for suspension of sentence and grant of ad-interim bail, to the appellant, during the pendency of the appeal.
2. The appeal has been preferred against the judgment of conviction dated 09.03.2021 and order of sentence dated 17.03.2021, passed by the court of learned Additional Sessions Judge - VI, Hazaribag, in Sessions Trial No.308 of 2019, whereby the appellant has been convicted for the offence under Sections 148, 341, 323, 324, 307, 452 read with Section 149 of the Indian Penal Code, and awarded maximum sentence of 5 years and fine of Rs.10,000/- for the offence under Section 307 of the I.P.C with the default clause.
3. Heard learned counsel for the appellant and learned A.P.P, assisted by the learned counsel for the informant.
4. It has been submitted by the learned counsel for the appellant that the appellant is in custody since 09.03.2021 and he has been brought in this case in the proceeding under Section 319 of the Cr.P.C. The victim is *gotia* of this appellant and due to a land dispute, he has been falsely implicated in this case. It has further been submitted that there is only one

witness, who is the victim itself, who has supported the allegation and there is chance of false implication. On the above facts, prayer for suspension of sentence has been made.

5. On the other hand, learned A.P.P, assisted by learned counsel for the informant, has opposed the prayer for suspension of sentence.

6. In the attending facts and circumstances of the case, I am inclined to suspend the sentence and enlarge the appellant on bail, during the pendency of the appeal, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - VI, Hazaribag, in connection with Sessions Trial No.308 of 2019, subject to the condition that the appellant will remain present before the Court when the appeal is taken up for hearing, failing which his bail shall be cancelled.

7. I.A. No.2483 of 2021 stands disposed off.

(Rajesh Kumar, J.)

Chandan/-