

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.816 of 2014

Arising Out of PS.Case No. -116 Year- 2010 Thana -HALSI District- LAKHISARAI

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Shibu Yadav, son of Late Rameshwar Yadav, resident of village-Salaunja,
Police Station-Halsi, District-Lakhisarai.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rabi Bhushan

For the Respondent/s : Mr. G.Pd. Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

3 15-01-2015 By filing I.A. No.3 of 2015, appellant has applied for suspension of sentence and grant of bail on the ground that there is absolutely no evidence on the basis of which his conviction for the offence under Section 302 of the Penal Code can be maintained as it is submitted on his behalf that on the basis of his confessional statement firearms were recovered for which a separate case under Arms Act was registered but there is no material to indicate that the arms recovered at the instance of the appellant were matched with bullet/pellet found in the dead body of the deceased and it was found that the bullet/pellet was fired from the firearm recovered at the instance of the appellant nor Investigating Officer has been examined in the case to explain the latches on the part of

the prosecution.

During the pendency of this appeal, let the sentence imposed upon the appellant, above named, be suspended and he be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of 5th Adhoc Additional District and Sessions Judge, Lakhisarai, in connection with Sessions Trial No.45 of 2012.

I.A. No.3 of 2015 is, accordingly, disposed of.

(V.N. Sinha, J)

(Rajendra Kumar Mishra, J)

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