

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.727 of 2015

Arising Out of PS.Case No. -229 Year- 2014 Thana -MADHEPURA District- MADHEPURA

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Deepak Kumar Son of Surendra Yadav Resident of Village: Shri Nagar,
Police Station -Ghailardh, District Madhepura.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Shekhar Kumar Singh, Advocate

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 02-12-2015 Heard learned counsel for the appellant. Despite repeated calls, none appears on behalf of the State.

2. By way of the present appeal under Section 389(2) of the Code of Criminal Procedure, the appellant seeks suspension of sentence and release of the appellant on bail in connection with Cr. Appeal No. 12 of 2015, arising out of Madhepura (Ghailardh) Police Station Case No. 229 of 2014, whereby and whereunder he has been convicted on 28th April, 2015 under Section 25(1-B)(a) of the Arms Act and sentenced to undergo rigorous imprisonment for two years. The appellate Court, i.e., the Court of Sessions Judge, Madhepura has rejected the prayer for suspension of sentence vide order dated 20.05.2015. Accordingly, the present appeal has been filed before this Court.



3. Learned counsel for the appellant has submitted that the appellant has already remained in custody for about 20 months and the appeal is not likely to be heard in near future. He has further contended that the evidence relating to recovery of one countrymade pistol without any cartridge from possession of the appellant is highly doubtful and the trial Magistrate has failed to appreciate the evidence adduced before him in correct perspective.

4. Learned counsel for the State has contested the matter. He has submitted that the prosecution has proved its case beyond doubt and the appellant does not deserve bail at this stage.

5. Be that as it may, taking into consideration the period undergone in custody by the appellant, during the pendency of the appeal, he is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhepura in Cr. Appeal No. 12 of 2015 arising out of Madhepura (Ghailardh) Police Station Case No. 229 of 2014, subject to the condition that one of the sureties must be a Government servant/ elected people's representative of Panchayat/ Municipality; and the other one shall be a close

relative.

6. Accordingly, the appeal stands disposed of.

(Ashwani Kumar Singh, J.)

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