

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.483 of 2016

Arising out of PS.Case No. -215 Year- 2014 Thana -MUFFASIL District- AURANGABAD

Girja Prasad, son of late Naresh Prasad, resident of village- Lilaganj Chattipur,
Sherghati, P.S.- Sherghati, District- Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar Pandey, Adv.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-09-2016

The appellant has been convicted under Sections 414 and 120B of the Indian Penal Code. He has been sentenced to undergo simple imprisonment for three years under Section 414 of the Indian Penal Code and simple imprisonment for six months under Section 120B of the Indian Penal Code. The conviction was recorded by the court of Magistrate, vide Judgment dated 18.4.2016, passed in Muffasil P.S. Case No. 215 of 2014/G.R. No. 1722 of 2014/T.R. No. 407 of 2016.

Judgment of the Jurisdictional Magistrate was challenged in the court of Sessions Judge, Aurangabad, by filing appeal vide Cr. Appeal No. 18 of 2016.

The application for suspension of sentence and releasing the appellant on bail was rejected by the Appellate Court by 19th May, 2016.

The present memo of appeal under Section 389(2) of the Code of Criminal Procedure has been filed against the aforesaid order dated 19th May, 2016 passed by the learned Sessions Judge, Aurangabad, in Cr. Appeal No. 18 of 2016, whereby the appellant's application for suspension of sentence and releasing him on bail was rejected by the Appellate Court.

It has been submitted by learned counsel for the appellant that by now the appellant has remained in custody for about two years and the appeal is not likely to be taken up for hearing in near future. It is further submitted that the co-accused Banti Agrawal against whom the charges are more serious, has been allowed bail by a Bench of this Court vide order dated 14th June, 2016, passed in Cr. Appeal (SJ) No. 410 of 2016. The contention of the appellant has not been controverted by learned counsel for the State.

Taking into consideration, the period undergone by the appellant in custody, the appeal is allowed and the appellant named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Muffasil P.S. Case No. 215 of

2014/G.R. No. 1722 of 2014/T.R. No. 407 of 2016 till disposal of
Cr. Appeal No. 18 of 2016 pending in the court of Sessions Judge,
Aurangabad.

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A
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(Ashwani Kumar Singh, J)