

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.57 of 2016

Arising Out of PS.Case No. -80 Year- 2014 Thana -BAKHTIYARPUR District- PATNA

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Manager Rai, son of late Deoki Rai, resident of Village-Teka Bigha, P.S.-
Bakhtiyarpur, District- Patna.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey, Advocate

For the Respondent/s : Dr. M. K. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 09-03-2016

By way of the present application under Section 389(2) of the Code of Criminal Procedure, the appellant seeks suspension of sentence and grant of bail in connection with Bakhtiyarpur P.S. Case No. 80 of 2014 in which the jurisdictional Magistrate has convicted him for the offences punishable under Sections 25(1-B)(a) and 26 of the Arms Act and sentenced him to undergo R.I. for three years for each of the offences.

Being aggrieved by the judgment of the trial court, the appellant has preferred an appeal before the Sessions Court and his application for bail preferred under Section 389(1) of the Code of Criminal Procedure has been rejected by the learned 3rd

Additional Sessions Judge, Barh, Patna in Cr. Appeal No. 136 of 2015.

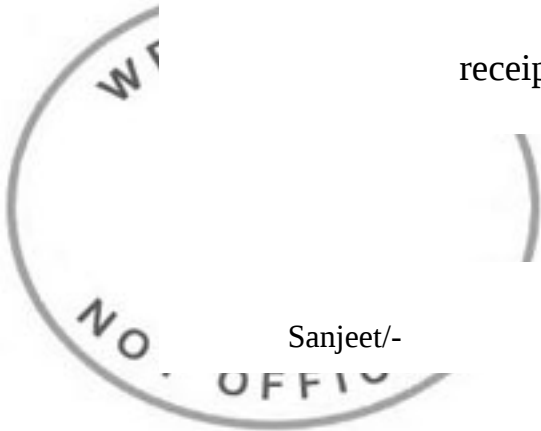
It has been contended by the learned counsel for the appellant that the appellant has remained in custody for about two years and there is no likelihood of the appeal being taken up for hearing in the near future. He has contended that the jurisdictional Magistrate has not appreciated the evidence led on behalf of the prosecution in correct perspective and there is all likelihood that the appellate court would set aside the judgment of the jurisdictional Magistrate.

On the other hand, learned counsel for the State has contended that the police had recovered one country-made loaded pistol and five live cartridges from the conscious possession of the appellant and the witnesses examined on behalf of the prosecution during trial have fully corroborated the prosecution case.

Be that as it may, regard being had to the facts and circumstances of the case, I am not inclined to grant bail to the appellant. Accordingly, the application filed under Section 389(2) of the Code of Criminal Procedure is hereby rejected.

However, since the appellant is in custody for about two years, the learned Additional Sessions Judge-3rd, Barh,

Patna is directed to take up hearing of the appeal on priority basis and decide the same within one month from the date of receipt/production of a copy of the order.



Sanjeet/-

(Ashwani Kumar Singh, J.)

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