

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.410 of 2016

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

1. Banti Agrawal Son of Late Shyam Sundar Agrawal Resident of village -
Bhgwet Para Puruliya, P.S. Puruliya, District - Puruliya (West Bengal)

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Sujeet Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL ORDER

2 14-06-2016 Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor for the state on the point of
admission.

This Cr. Appeal has been preferred against the order
dated 19-05-2016 passed by learned Sessions Judge, Aurangabad
in Cr. Appeal No. 21 of 2016 by which and whereunder, he
refused to release the appellant on bail.

The appellant was made accused in Aurangabad



Muffasil P.S. Case No. 215 of 2014 and faced trial in Tr. No. 407 of 2016. Subsequently, he was convicted for the offences punishable under Sections-414 & 120B of the Indian Penal Code and accordingly, he was sentenced to undergo simple imprisonment for three years for the offence punishable under Section-414 of the Indian Penal Code & similarly, simple imprisonment for six months for the offence punishable under Section-120B of the Indian Penal Code, though both the sentences were ordered to be run concurrently.

The appellant preferred Cr. Appeal No. 21 of 2016 before the learned Sessions Judge, Aurangabad, Bihar against the judgment of conviction and order of sentence and, prayed for bail but his prayer for bail was rejected by the learned Sessions Judge, Aurangabad passing the impugned order dated 19-05-2016 which is under challenge before this court.

Learned counsel, appearing for the appellant submits that this Cr. Appeal has been preferred u/S 389(2) of the Criminal Procedure Code and moreover, the appellant has remained in jail custody for near about two years and, therefore, he should be released on bail.

Learned Addl. Public Prosecutor, appearing for the State opposed the prayer for bail.

This Cr. Appeal is allowed and accordingly, 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 learned Chief Judicial Magistrate/concerned court, Aurangabad in connection with Muffasil P.S. Case No. 215 of 2014, G.R. No. 1722 of 2014, Trial No. 407 of 2016 till disposal of Cr. Appeal No. 21 of 2016 pending in the court of learned Sessions Judge, Aurangabad.

(Hemant Kumar Srivastava, J)

A.K.V./-

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