

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2678 of 2017

Arising Out of PS.Case No. -199 Year- 2012 Thana -BARHARA District- BHOJPUR

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Chandan Singh @ Chandan Kumar, Son of Ajit Singh, Resident of
Village- Udaybhanpur, P.S. Krishnagarh, District- Bhojpur.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar Singh

For the Respondent/s : Mr. Sri Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 30-11-2017 Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor.

Instant appeal has been filed on account of refusal to
enlarge on bail after suspending sentence by the learned appellate
court vide order dated 18.08.2017 relating to Cr. Appeal
No.20/2017 of VIth Addl. Sessions Judge, Bhojpur at Ara as
provided under Section 389(2) of the Cr.P.C.

Appellant was identified during course of T.I. Parade
by the informant/victim who happens to be a goldsmith and had
fallen prey at the hands of unknown miscreants who looted away
gold ornaments while he was in a way to house and for that, FIR
was registered against unknown. After trial the learned lower court
found the appellant guilty and accordingly sentenced. Appeal has
been preferred at the end of the appellant before the learned
Sessions Judge, Bhojpur at Ara and by the order impugned dated
18.08.2017 Sixth Addl. District & Sessions Judge, Bhojpur at Ara
has rejected the prayer of the appellant to release him on bail after
suspending the sentence in terms of Section 389(1) of the Cr.P.C,
till pendency of appeal.



Considering the evidence of informant, PW.6, inconsonance with the evidence of PW.9, Magistrate who had conducted T.I. Parade, I do not find any merit, consequent thereupon instant appeal is dismissed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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