

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.105 of 2017

Arising Out of PS.Case No. -507 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

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Sanju Paswan, Son of Drub Paswan, Resident of Village- Parashi, P.S.-
Noorsarai, (Bhagwanpur O.P.), District- Nalanda, presently Residing at
Village and P.S.- Chandi, District- Nalanda.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Sri Sujit Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 13-09-2017

Heard learned counsel for the appellant as well as learned
Additional Public Prosecutor.

This appeal has been preferred under the guise of Section
389(2) of the Cr.P.C. on account of refusal by the learned Appellate Court to
release the appellant after suspending sentence during course of pendency of
Cr. Appeal No.11/2016 pending before Additional Sessions Judge, IVth,
Gaya, vide order dated 22.08.2016.

It is apparent that while informant driver along with Khalasi
were coming over Hywa, Bolero laded criminals came and on the pretext of
firearm, they forced them to stop the vehicle and then, thereafter, made
captive, tied their legs, hands, thrust cloth inside mouth, threw them and took
away the vehicle along with mobile sets possessed by them. Anyhow, they
untied themselves, approached the police. During course of investigation,
looted vehicle was recovered. Furthermore, accused were apprehended
identified and even, during course of trial have been identified as is evident
from the order impugned.

The learned counsel for the appellant has submitted that
appellant happens to be under custody since 16.11.2014 against the sentence
inflicted against him along with others R.I. for seven years as well as fine.



Considering the nature of the evidence, prayer for bail is rejected and as such, the instant memo of appeal is dismissed with a direction to the learned lower court to proceed with the appeal on priority basis, hear the same and dispose it of within eight weeks.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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