

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.475 of 2015

Arising Out of PS.Case No. -37 Year- 2012 Thana -DIGHWARA District- SARAN

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Shrawan Bhagat @ Sarwan Kumar Bhagat son of Jagdish Bhagat Resident
of village Saidpur P.S Dighwara District Saran (Chapra).

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Ajay Kumar Thakur, Advocate

For the Respondent : Mr. Abhimanyu Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL**

and

HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL)

9 18-01-2017 Heard Mr. Ajay Kumar Thakur, for the appellant in

support of I.A.No.1591 of 2016 seeking suspension of sentence

and grant of bail, counsel for the informant as well as Mr.

Abhimanyu Sharma, learned APP for the State.

Application after expiry of the said period. The

appellant has been held guilty and convicted under Sections

302/149 of the IPC and sentenced to undergo rigorous

imprisonment for life besides holding him guilty under minor

provisions of the IPC. He was also imposed with a fine of

Rs.10,000/-.

According to the prosecution story, the place of



occurrence is the field where the prosecution party were allegedly harvesting the crop. The same was protested. Accused persons named in the FIR including the appellant arrived there armed with various weapons and the appellant inflicted solitary *farsa* blow on the head of Bharat Singh who subsequently died at the hospital after eight days of the infliction of the injury.

Learned counsel for the appellant has submitted that from bare perusal of the prosecution case as developed at the trial, it would appear that the bone of contention is a dispute with respect to land. The prosecution claims the land by virtue of the decree whereas the appellant claimed the land having been purchased from the lawful owner. He has drawn the attention of the Court to para-8 of the judgment where the fardbeyan, the injury report of the appellant and the chargesheet filed therein were exhibited. It is stated further that the appellant was severely injured and was lodged in the hospital and was later taken into custody on 06.03.2012. He has now completed in judicial custody for more than five years. In the backdrop of the aforesaid, it has been submitted that the petitioner deserves suspension of sentence for grant of bail.

Learned counsel for the informant on the other submits that the appellant is the main assailant. On perusal of the records



of Cr.Appeal (DB) No.456 of 2015 it appears that other co-accused/co-convicts in the case appeal were granted liberty to renew their prayer for bail upon completion of five years of judicial custody vide order dated 03.07.2015.

Considering the aforesaid facts and circumstances, we direct during the pendency of the appeal the sentence imposed upon the appellant shall remain suspended and he shall 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 ADJ-VI, Saran at Chapra in Sessions Trial NO.328 of 2012 arising out of Dighwara P.S.Case No.37 of 2012.

(Kishore Kumar Mandal, J)

(Sanjay Kumar, J)

B.Kr./-

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