

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.136 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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Sankata Prasad

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Ranbir Singh (Amicus Curie)

For the State : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 16-09-2017

Heard Mr. Ranbir Singh, who appeared as Amicus Curie in this case on behalf of the appellant in this jail appeal. Mr. Parmeshwar Mehta appears on behalf of the State.

2. The appellant was convicted in Sessions Case No.544 of 2004 for offences under Sections 328 and 511 of the Indian Penal Code and he was sentenced to undergo imprisonment for a period of six years. From the order dated 26.2.2009, it appears that he was released on bail after completion of incarceration for a period of five years and eight months thus he has served almost six years sentence as per the judgment of conviction and sentence. In the judgment under appeal there are many lapses and from the materials available on the record, the judgment of conviction is uncalled for but having regard to the fact that the appellant has remained in jail for five years and eight



months no useful purpose would be served by adjudicating the present appeal.

3. The appeal is disposed of considering the period of custody of five years eight months against the sentence of six years, on the ground of period undergone. The bail bond of the appellant pursuant to the order dated 26.2.2009 stands accordingly discharged.

(Anil Kumar Upadhyay, J)

N.H./-

AFR/NAFR	NAFR
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