

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.703 of 2018

Arising Out of PS.Case No. -58 Year- 2016 Thana -CHHATAPUR District- SUPAUL

=====

Md. Sikendra, Son of Md. Hadis, Resident of Village- Gokhlapur, Police
Station- Narpatganj, District- Araria. Appellant/s

Versus

The State of Bihar Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Arun, Adv.

For the Respondent/s : Mr. Dr. Ajeet Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 19-04-2018 Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor.

Instant memo of appeal has been preferred on account of refusal of prayer for bail after suspending sentence till pendency of appeal as provided under Section 389(1) of the Cr.P.C. by the appellate court of FTC-I, Supaul relating to Cr. Appeal No.16/2017 vide order dated 02.02.2018 under Section 389(2) of the Cr.P.C.

Contention as has been raised on behalf of learned counsel for the appellant is that the maximum period of sentence so prescribed by the learned trial court vide judgment of conviction and sentence dated 15.09.2017 passed in trial no.1026/2017, G.R. No.384 of 2016 arising out of Chhatapur P.S. Case No.58/2016 from the court of Ajay Kumar-II, ACJM,IInd, Supaul is of three years against which appellant happens to be under custody since 28.02.2016 that means to say approximately more than two years and so, appellant should be released on bail suspending the sentence till pendency of the appeal.



The learned Additional Public Prosecutor opposed the prayer.

From perusal of the record, more particularly, the judgment passed by the learned lower court, it is apparent that appellant along with others were engaged in committing robbery and during course thereof, unfortunately, appellant got apprehended by the victims followed by police officials and further, a loaded firearm was also recovered.

Furthermore, there happens to be sufficient material on that very score whereupon, prayer for bail is rejected, consequent thereupon, appeal is hereby dismissed.

However, considering the period of detention the learned lower court is directed to hear and decide the appeal preferably within two months.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

U		T	
---	--	---	--

