

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.924 of 2019

Arising Out of PS. Case No.-266 Year-2017 Thana- PATLIPUTRA District- Patna

MUNCHUN RAI aged about 30 years, male son of Late Ramdeo Rai, R/O Mianpura, PS-Patliputra, Distt-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr.Sunil Kumar Pathak, Advocate
For the Respondent/s	:	Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 23-04-2019 Heard learned counsel for the appellant as well as learned APP.

Instant appeal has been preferred in accordance with Section 389(2) CrPC on account of refusal of prayer by the learned Additional Sessions Judge-7th, Patna to suspend the sentence and release the appellant on bail till pendency of appeal vide order dated 31.01.2019 in connection with Cr. Appeal. No. 262/2018.

It is needless to say that appellant is a convict and on account of having the finding recorded by the learned lower court adverse to him holding guilty for an offence punishable under Section 25(1-b)a/25/35 of the Arms Act and sentenced to undergo imprisonment for three years as well as fine of Rs.



5000/- in default thereof, to undergo RI for three months additionally, under all counts independently by ACJM-XII, Patna in connection with Patliputra PS Case No. 266/2017. Though, appellant has got plausible defence and for that had exhibited the relevant application having been filed by his mother on account of taking him away by the Patliputra Police and keeping him beyond the prescribed period of 24 hours in utter violation of Section 57 of the CrPC but, the most alarming feature is his criminal antecedents bearing accused in thirteen cases, though, as submitted at the end of the appellant, in majority of the cases, he has been bailed out.

It is further evident that appellant happens to be under custody since 03.08.2017. That being so, the learned appellate court is directed to hear the appeal of the appellant on the next fixed date positively and will decide the same in case of co-operation at the end of appellant. In terms thereof, the instant appeal is disposed of.

Office to serve copy of the instant order upon the learned lower court for its strict compliance.

(Aditya Kumar Trivedi, J)

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