

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2141 of 2019

In
CRIMINAL MISCELLANEOUS No.27539 of 2019

Arising Out of PS. Case No.-22 Year-2013 Thana- SAHIYARA District- Sitamarhi

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RAJESH SINGH @ RAJESH KUMAR SINGH Son of Late Sukhram Singh
Resident of Village and Police Station-Sahiyara, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Prasad Singh, APP

For the Respondent/s : Mr. Z. Hoda, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

7 27-08-2019 Heard learned counsel for the appellant as well as

learned APP.

Instant petition happens to be under Section 389(2) of the CrPC, however, as per prevailing nomenclature, it has been within the category of Criminal Appeal. However, no limitation is found prescribed therefor, hence, no order is needed over I.A. No. 1/2019 and accordingly, disposed of.

On account of refusal of prayer having at the end of the appellant along with others in accordance with Section 389(1) of the CrPC asking for suspension of sentence and granting of bail during pendency of instant appeal, the learned appellate court refused the same vide order dated 08.08.2018 under Cr. Appeal No. 31/2018, and on account thereof, the same



has been reagitated by one of them, namely, Rajesh Singh @ Rajesh Kumar Singh.

After going through the materials available on the record (judgment, FIR along with evidence of the witnesses having placed under supplementary affidavit), it is evident that appellant, Rajesh Singh @ Rajesh Kumar Singh is the assailant of Nandlal Singh by means of Chhura over left side of chest. PW-8 is the doctor who had found the size 3CM x 3CM on front of chest, simple in nature caused by hard, blunt substance, whereupon, appellant, Rajesh Singh @ Rajesh Kumar Singh is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Assistant Sessions Judge-2nd, Sitamarhi in S.Tr.No. 92/2015 arising out of Sahiyara PS Case No. 22/2013 till pendency of Cr. Appeal No. 31/2018 pending before Sessions Judge, Sitamarhi in terms of Section 389(2) Cr.PC.

Consequent thereupon, appeal is allowed.

(Aditya Kumar Trivedi, J)

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