

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No. 767 of 2017

Along with
Interlocutory Application No. 2565 of 2018

Arising Out of P.S. Case No.-135 Year-1996 Thana- SOUR BAZAR District- Saharsa

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1. Gurucharan Yadav, Son of Late Shiv Prasad Yadav, resident of Village-Bishanpur, P.S.- Sour Bazar, District- Saharsa.
 2. Umesh Yadav Son of Late Shiv Prasad Yadav, resident of Village-Bishanpur, P.S.- Sour Bazar, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur and Mr. Amarnath Jha, Advocates
For the State	:	Mr. S C Mishra, APP
For the Informant	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

5 11-09-2019 Re.: Interlocutory Application No. 2565 of 2018

Heard learned counsel for the appellants-petitioners as well as learned APP for the State.

2. The present Interlocutory Application has been filed by the appellants-petitioners seeking suspension of sentence and grant of bail during the pendency of the appeal.

3. The appellants-petitioners had earlier approached this Court for grant of bail but the same was rejected on 18.08.2017, with liberty to renew the prayer if appeal was not



heard within a year. In the said circumstances, prayer has been renewed. The written show cause has been submitted by learned APP.

4. The appellants-petitioners are accused of offence under Section 302/34 of the Indian Penal Code and 27 of the Arms Act and sentence to undergo rigorous imprisonment for life.

5. The appellants-petitioners submit that other than last seen, there is no cogent material at the trial to sustain the appellants-petitioners conviction. The FIR does not allege that the appellants-petitioners had forcibly taken away the deceased. It is also submitted that earlier enmity on account of case being lodged by the informant against the appellants-petitioners has occasioned the appellants-petitioners implication in the instant case. The appellants-petitioners are already in custody for more than two years.

6. Learned APP opposed the prayer for bail and submitted that the appellants-petitioners were last seen with the deceased and there was motive for commission of the crime.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the sentence of appellants-petitioners namely Gurucharan Yadav



and Umesh Yadav be suspended and they be released on bail during the pendency of the appeal upon furnishing bail bond of Rs. 25,000/- (Twenty Five Thousands) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saharsa in S. Tr. No. 81 of 1998 arising out of Sour Bazar PS Case No. 135 of 1996 (GR No. 880 of 1996). One of the bailors shall be a close relative of the appellant-petitioner.

8. Interlocutory Application No. 2565 of 2018, stands disposed off.

(Ahsanuddin Amanullah, J.)

(Madhuresh Prasad, J.)

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