

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4017 of 2019

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

LAKSHMAN SINGH, Son of Bijali Singh, Resident of Village - Sahiyara,
P.S. - Sahiyara, District - Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr. D.K. Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-11-2019 Heard learned counsel for the parties.

The objection of the office that this appeal is barred
by limitation be ignored.

The appellant has invoked jurisdiction of this Court
under sub-section 2 of Section 389 of the Code of Criminal
Procedure for grant of bail after refusal of the prayer for bail by
the learned lower appellate court.

It has been informed that whether an appeal would lie
or a criminal miscellaneous application for bail would be filed is
pending consideration in the administrative side of the Court in
pursuance of some judicial order passed in some other matter.

The appellant was convicted by learned Assistant
Sessions Judge for offence under Section 307/34 of the Indian
Penal Code along with others and was directed to undergo
rigorous imprisonment for seven years along with fine of rupees



seven thousand. The judgment was passed in Sessions Trial No. 92 of 2015 arising out of Sahiyara P.S. Case No. 22 of 2013. The said judgment was challenged in Cr. Appeal No. 31 of 2018 before the learned Sessions Judge, Sitamarhi. The prayer for bail was refused considering the injury report of the Doctor which revealed that due to injury sustained both lower limbs of the injured was paralyzed.

Submission is that allegation against the appellant is that he gave a dagger blow at the back of the informant. Appellant is in custody since 08.08.2018 from the date of conviction and prior to that he remained in custody as under trial prisoner.

Considering the totality of the matter as well as the fact that there is no chance of early hearing of the appeal by the court below in near future, let the appellant, above named, be released on bail till further order on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Assistant Sessions Judge-II, Sitamarhi in connection with Sessions Trial No. 92 of 2015 arising out of Sahiyara P.S. Case No. 22 of 2013.

(Birendra Kumar, J)

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