

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.603 of 2020

Arising Out of PS. Case No.-56 Year-2014 Thana- JAYNAGAR District- Madhubani

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MUKESH KUMAR GUPTA Son of Late Ganesh Gupta Resident of Village -
Sahid Chowk, Jaynagar, P.S.- Jaynagar, District - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv.
		Mr.Lakshmi Kant Sharma, Adv.
For the Respondent/s	:	Mr.Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-09-2020 Heard Sri Ramakant Sharma, the learned Senior Advocate for the appellant and Sri Binod Bihari Singh, the learned APP for the State.

The present appeal has been filed against the judgment of conviction dated 18.12.2019 and order of sentence dated 18.12.2019 passed by the learned Additional District and Sessions Judge-II, Madhubani, whereby and whereunder the appellant herein has been convicted for the offences punishable under Sections 304B and 498A of the Indian Penal Code and has been sentenced to undergo rigorous imprisonment for seven years under Section 304B of the Indian Penal Code and



rigorous imprisonment for three years under Section 498A of the Indian Penal Code and fine of Rs. 10,000/-.

The learned Senior Counsel for the appellant has submitted that there is gross inconsistency in the evidence adduced by the prosecution and the learned trial court, while recording the judgment of conviction, has ignored the inconsistency in the statement of the prosecution witnesses. It is further submitted that the medical report does not support the allegations levelled by the prosecution and there is serious contradictions in the statement of the witnesses. In any view of the matter, it is submitted that out of the total sentence of seven years, the appellant herein has already served five years in custody, hence, it would be in the interest of justice to grant the privilege of bail to the appellant herein, especially considering the fact that the appellant has to look after his small children.

Considering the facts and circumstances of the case, the appellant, above named, is directed



to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Madhubani in connection with S.T.No. 19 of 2016, arising out of Jaynagar P.S.Case No. 56 of 2014 (GR No. 890 of 2014).

List this appeal for hearing in due course.

(Mohit Kumar Shah, J)

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