

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2213 of 2019**

Arising Out of PS. Case No.-483 Year-2017 Thana- KRITYANAND NAGAR District-  
Purnia

Prakash Kumar Yadav @ Prakash Yadav, aged about 21 years, male, Son of  
Late Bijendar Yadav Resident of Village - Tetrahi, P.S.- Jankinagar, District -  
Purnea

... .. Appellant

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Appellant : Mr. Anirudh Mishra, Advocate  
For the Respondent/s : None

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

5      08-06-2020      This matter has been taken up for hearing through  
video conference.

I.A. No. 01 of 2019

This interlocutory application (inadvertently  
mentioned by the office as I.A. No. 01 of 2020) has been filed for  
condoning the delay of 111 days in filing the appeal.

2. For the reasons stated in the application, the delay is  
condoned.

3. I. A. No. 01 of 2019 stands allowed.

Cr. Appeal (SJ) No. 2213 of 2019

The present appeal has been filed for suspension of  
sentence and for grant of bail during pendency of Criminal  
Appeal No. 35 of 2018 before the 2nd Additional Sessions Judge,  
Purnea filed against the order of conviction of the learned Chief



Judicial Magistrate, Purnea by order dated 02.06.2019, arising out of K. Nagar P.S. Case No. 483 of 2017, for the alleged offences under Sections 392 and 411 of Indian Penal Code.

2. Learned counsel for the appellant submits that the learned 2nd Additional Sessions Judge ought to have appreciated that the allegation was made only with respect to two persons who are said to have come on a motorcycle and committed robbery, taking away a cash bag containing Rs. 80,000/- from the dickey of the informant's motorcycle, two mobile phones, a Samsung Tab, a Biometric Machine, two ATM Cards and cash Rs. 500/-, whereas three persons including the appellant have been convicted for the offences under Section 392 and 411 IPC. He has denied bail to the appellant upon taking into consideration that certain articles were recovered from his house, which however does not constitute the offence under Section 392 IPC. In any event, it is submitted that the appellant has already suffered more than two and half years in custody since 24.09.2017 (wrongly typed as 24.09.2016 in para 12 of the petition).

3. None appears on behalf of the State when the matter is called.

4. Be that as it may and considering the period of custody already suffered since 24.09.2017, let sentence of the appellant above named be suspended and he be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Purnea in connection with Criminal Appeal No. 35 of 2018, arising out of K. Nagar P.S. Case No. 483 of 2017.

5. Cr. Appeal (SJ) No. 2213 of 2019 stands disposed of.

**(Vikash Jain, J)**

Chandran/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

