

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5920 of 2019

Arising Out of PS. Case No.-324 Year-2015 Thana- BODHGAYA District- Gaya

Sanjay Kumar Son of Talkeshwar Yadav Resident of Village- New Taridih
Bhagalpur, P.S.- Bodh Gaya, District- Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Md. Javed Jafar Khan
For the Respondent/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 08-07-2020 Heard learned counsel for the appellant and learned
counsel for the State via video conferencing.

This appeal under Section 389(2) of the Code of Criminal Procedure has been filed for setting aside the order dated 03.10.2018 passed by the learned Sessions Judge, Gaya in Cr. Appeal No. 74 of 2018 whereby he had rejected the prayer for bail during pendency of the appeal, which was filed against the judgment dated 16.07.2018 passed by learned Addl. Chief Judicial Magistrate-VIII, Gaya in Bodh Gaya P.S. Case No. 324 of 2015, by which the trial court had convicted the appellant along with another co-accused under Sections 406 and 420 read with 34 of the Indian Penal Code.

The aforesaid order dated 03.10.2018 passed in Cr. Appeal No. 74 of 2018 was challenged by the appellant before



this Court earlier vide Cr. Appeal (SJ) No. 42 of 2019 which was rejected vide order dated 22.04.2019. Thereafter, the appellant has not moved before the court below for grant of bail during pendency of the appeal and has filed the present appeal once again challenging the same order dated 03.10.2018 passed in Cr. Appeal No. 74 of 2018 which was upheld by this Court on earlier occasion.

In the opinion of this Court, the appeal in its present form is misconceived and not maintainable. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

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