

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.353 of 2018

Arising Out of PS. Case No.-42 Year-2011 Thana- ALAMNAGAR District- Madhepura

Amod Sah S/o Sri Lal Mohan Sah, R/o village- Pathara, Tola, Bazraha, P.S.-
Alamnagar, District- Madhepura.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad, Advocate
For the Respondent/s : Mr. Binod Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 18-03-2021

I.A. No. 1 of 2020

Heard Mr. Ranjit Kumar Singh, learned Advocate for the appellant and Mr. Binod Bihari Singh, learned APP for the State.

The appellant has been convicted under Section 304B read with Section 34 of the Indian Penal Code and has been sentenced to undergo R.I. for seven years in connection with Sessions Trial No. 276 of 2011, arising out of Alam Nagar P.S. Case No. 42 of 2011.

The appeal preferred by the appellant was admitted but the application with respect to suspension of sentence was rejected *vide* order dated 05.03.2018.

It has been submitted on behalf of the appellant that he has remained in jail for about four years by now and there are no chances for this appeal



being taken up in near future.

Apart from this, it has been urged on behalf of the appellant that none of the witnesses have fully supported the prosecution version. P.W. 1 has been declared hostile, whereas P.W. 2 has not supported the prosecution version. Even the direct relatives of the deceased have also not stated anything, which could throw any light on the accusation against the appellant.

Regard being had to the period of custody of the appellant and there being a remote chance of this appeal being heard finally near future, this Court is inclined to suspend the sentence of the appellant during the pendency of this appeal.

The sentence of the appellant is suspended and during the pendency of the appeal, he is directed to be released on bail on on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Presiding Officer, Fast Track Court No. -1, Madhepura in connection with Sessions Trial No. 276 of 2011, arising out of Alam Nagar P.S. Case No. 42 of 2011.

(Ashutosh Kumar, J)

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