

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5342 of 2019

Arising Out of PS. Case No.-234 Year-2015 Thana- BARARI District- Katihar

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SUBODH KUMAR MUKHIYA @ SUBODH MUKHIYA Son of Kamdeo
Mukhiya Resident of Village - Devi Bareta, P.S.- Barari, District - Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bimal Kumar, Advocate

For the Respondent/s : Mr.Syed Ashfaque Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 02-02-2021 Heard learned counsel for the appellant and the

State.

The appellant is in custody in connection with
Sessions Trial No. 102 of 2016/CIS 155 of 2016/ G.R. Case No.
3628 of 2015 arising out of Barari P.S. Case No. 234 of 2015 for
the offences under Sections 302, 304(B) IPC.

Learned counsel for the appellant submits that when
the prosecution failed to submit charge sheet under Section 302
IPC and as such the appellant was acquitted under Section 302
IPC but he has been convicted for the offence under Section
304(B) IPC. The appellant was sentenced 10 years
imprisonment and out of 10 years the appellant has remained in
custody for five years.

Considering the fact that the appellant has already



completed five years in custody, i.e. half of the sentence, the Court is inclined to grant bail to the appellant. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of Sri Neeraj Kumar II, Additional Sessions Judge-V, Katihar in connection with Sessions Trial No. 102 of 2016/CIS 155 of 2016/ G.R. No. 3628 of 2015 arising out of Barari P.S. Case No. 234 of 2015.

(Anil Kumar Upadhyay, J)

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