

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.635 of 2024

Arising Out of PS. Case No.-520 Year-2023 Thana- BARHARA District- Bhojpur

Kalu Kumar Ray @ Babalu Ray, S/o Sri Vijay Kumar Ray, R/o village-
Kutubpur, P.S. - Doriganj, Distt. - Chhapara

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 04-10-2024 Learned counsel appearing for the petitioner files

supplementary affidavit as to correct para-8 of the bail

petition that the revisionist was not on bail during the trial.

2. Let the same be corrected and read, accordingly.

3. This application has been filed for setting aside

the impugned order dated 11.03.2024 as passed by learned

2nd Additional Sessions Judge, Bhojpur at Ara, whereby and

whereunder learned court has rejected the prayer of bail of

the petitioner in Cr. Appeal No. 13/2024 arising out of the

judgment dated 25.01.2024 passed by learned C.J.M.,

Bhojpur at Ara in connection with G.R. Case No. 2904 of

2023, arising out of Barhara P.S. Case No. 520 of 2023 by

which learned Magistrate has convicted the appellant under



Section 25(1-b)a/35 of the Arms Act and sentenced him rigorous imprisonment for two years and fine of Rs. 10,000/- and in default of payment of fine, to undergo S.I. for one month, further learned trial court sentenced him to undergo rigorous imprisonment for two years under Sections 26 and 35 of the Arms Act. Learned trial court further ordered that all the sentences shall run concurrently.

4. It is submitted by learned counsel that merely on the ground as the prayer of bail of the petitioner was declined by the court concerned during the trial, therefore, his prayer of bail under Section 389(1) of the Cr.P.C. was rejected by the appellate court. It is submitted that the petitioner remains in custody for more than half of his sentence, where appeal is still pending, accordingly, revisionist, in view of **Satender Kumar Antil vs. Central Bureau of Investigation & Anr. [(2022) 10 SCC 51]** and also **Atul alias Ashutosh vs. State of M.P. [(2024) 3 SCC 663]**, deserves bail, during the pendency of appeal

5. Considering aforesaid submission and the custody period of revisionist/petitioner, who remains in



custody for about 14 months against the sentence of two years, accordingly, the petitioner/revisionist, above named, is directed to be released on bail, during the pendency of aforesaid appeal, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Bhojpur at Ara/concerned court, in G.R. Case No. 2904 of 2023, arising out of Barhara P.S. Case No. 520 of 2023.

(Chandra Shekhar Jha, J.)

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