

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3338 of 2024

Arising Out of PS. Case No.-104 Year-2023 Thana- BALIYA District- Begusarai

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Kundan Kumar @ Kundan Kunwar @ Kundan Kuwar Son Of Hari Kuamr @
Hari Kunwar @ Hari Kuwa R/V- Bhawanandpur, Ward No. 01, P.S.- Ballia,
Distt.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Paswan Son Of Late Bachhi Paswan Resident Of Bhagwandpur,
Ward No. 01, P.O.- Masudanpur, P.S.- Balia, Distt.- Begusarai-851211

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shama Sinha
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-08-2025 Despite filing *Vakalatnama*, none appears on behalf of
the respondent no. 2.

2. Heard learned counsel for the appellant and learned
Spl. Public Prosecutor for the State.

3. Earlier also, the appellant's prayer for suspension of
sentence and grant of bail was rejected *vide* order dated
04.01.2024 passed in Cr. Appeal (SJ) NO. 4614 of 2023.

4. *Vide* order dated 20.07.2024, a report regarding
stage of the trial was called for which reveals that out of eight
charge-sheeted witnesses, six witnesses have been examined
and only Investigating Officer and Medical Officer are still
awaiting their examination.



5. Learned counsel for the appellant submits that none of the examined witnesses have supported the prosecution case and P.W. 5, who is informant of the case, has also been examined and he has stated that till date he could not identify as to who shot his wife dead. Appellant is in custody since 09.05.2023. Hence, appellant prays for suspension of sentence and be released on bail during pendency of this appeal.

6. Considering the deposition of witnesses as well as period of custody, during pendency of this appeal, the sentence, imposed by the learned Trial Court, is suspended and the appellant is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Judge, SC/ST (POA) Act, Begusarai in connection with Ballia P.S. Case No. 104 of 2023.

(Prabhat Kumar Singh, J)

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