

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (DB) No.673 of 2018**

Arising Out of PS. Case No.-856 Year-2016 Thana- ARARIA District- Araria

Vijay Kumar Yadav @ Vivek Kumar @ Golu S/o- Late Ramanand Yadav,  
R/o- Upharail, Ward No- 9, P.S.- Maranga, District- Purnia.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sanjeev Kumar Singh, Adv.  
For the Respondent/s : Ms. Shashi Bala Verma, APP

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA  
and  
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA  
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA)

9 03-01-2024

**Interlocutory Application No. 02 of 2022**

1. Heard learned counsel for the appellant and learned Additional Public Prosecutor appearing on behalf of the State.
2. The appellant has prayed for suspension of sentence and grant of bail during the pendency of appeal.
3. Submission of learned counsel for the appellant is that the prayer for bail of the appellant was earlier twice rejected by this Court. Now the fresh ground for bail of the appellant is that he has been languishing in custody since 28.12.2016, as such he has remained in custody for more than seven years and there is no likelihood of the appeal to be taken up for hearing in near future.



4. Learned Additional Public Prosecutor appearing on behalf of the State opposed the prayer of the appellant by contending that the prayer for bail of the appellant was earlier twice rejected by this Court on merit. He further submits that although the appellant has remained in custody for more than seven years but it has come in evidence that the confession of the appellant led to recovery of certain facts which were only within the knowledge of him. His confession also led to recovery of ATM Card of the deceased and thereafter, it was noticed that ATM Card was subsequently used and amount was also transferred. As such, the prayer for bail of the appellant is not fit to be reconsidered.

5. Having considered the facts and circumstances of the case, the submissions advanced on behalf of the parties and the materials available on record, this Court is not inclined to grant bail to the appellant. His prayer for bail is again rejected.

**(Arvind Srivastava, J)**

**(Sunil Dutta Mishra, J)**

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