

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.780 of 2018

Arising Out of PS. Case No.-17 Year-2011 Thana- KHAIRA District- Jamui

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1. Munna Yadav, Son of Baiju Yadav,
 2. Dilip Yadav, Son of Bhelu Yadav,
Both resident of Village- Mangobandar, P.S.- Khaira, District-
Jamui.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Y.C. Verma, Sr. Adv.
Mr. Prakash Mahto, Adv.
For the Respondent/s : Mr. Abhimanyu Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

5 03-10-2018 Heard Sri Y.C. Verma, learned senior counsel, assisted by Sri Prakash Mahto, learned counsel for the appellants and Sri Abhimanyu Sharma, learned Addl. Public Prosecutor.

The present appeal was admitted on 10-09-2018. While admitting and summoning lower court record, learned State Counsel was granted time for filing written objection against the prayer for bail.

Sri Abhimanyu Shama, learned Addl. Public Prosecutor submits that despite his best effort, he has not been able to get any instruction for filing written objection against the



prayer for bail, however, on the basis of evidence on record, he has opposed the prayer for suspension of sentence and granting bail.

Sri Y.C. Verma, learned senior counsel appearing on behalf of the appellants, by way of cursorily referring to the evidence, submits that the entire case is based on only one eye-witness, who is none else but wife of the deceased. He further submits that F.I.R. was lodged in the next morning, whereas the alleged occurrence had taken place in the night in between 7:00-8:00 PM. It has been reiterated that on the basis of evidence of one ocular witness, this Court may prefer to pass favourable order.

Besides hearing, we have also cursorily examined the evidence on record and after going through the same, we do not find any ground to pass favourable order.

Accordingly, the prayer for suspension of sentence and granting bail in respect of both appellants stands dismissed.

(Rakesh Kumar, J.)

(Arvind Srivastava, J.)

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