

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.128 of 2019**

Arising Out of PS. Case No.-141 Year-2017 Thana- MUFFASIL District- West Champaran

Sunil Kumar S/o Sri Paras Sharma village-Pokhanbhinda, P.S-Bettiah
Muffasil,

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Dilip Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

4 23-06-2022

Re: I.A. No. 01 of 2020

This interlocutory application has been filed by the appellant under Section 389 (1) of the Code of Criminal Procedure for suspension of sentence and his release on bail during the pendency of this appeal.

Similar prayer was earlier rejected by this Court by an order dated 09.04.2019 passed in this case.

Learned counsel appearing on behalf of the appellant has submitted that the appellant was not named in the F.I.R. and subsequently, during the course of investigation, his name emerged on the basis of him having been last seen with the



victim and recovery of his mobile phone from the possession of co-convict Navneel Niraj.

Though learned counsel appearing on behalf of the appellant appears to be correct in his submission that the appellant's conviction is based on circumstantial evidence, we are not inclined to grant privilege of bail under Section 389 (1) of the Cr.P.C., his prayer having been rejected earlier by this Court after looking into the evidence of P.W.-3 and P.W.-4.

I.A. No. 01 of 2020 is accordingly rejected.

It is however observed that the appellant shall be at liberty to renew his prayer for bail after one year, if in the meanwhile, the appeal is not listed for final hearing.

(Chakradhari Sharan Singh, J)

(Khatim Reza, J)

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