

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.167 of 2022**

Arising Out of PS. Case No.-98 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Suchit Bind, aged about 32 years, Male, Son of Dalsingar Bind, Resident of Village- Gangapur (Sonaon), P.S.- Durgawati, District- Kaimur at Bhabua.
2. **Sechu Bind, aged about 25 years, Male, Son of Dalsingar Bind, Resident of Village- Gangapur (Sonaon), P.S.- Durgawati, District- Kaimur at Bhabua.**
3. **Abhimanyu Bind, aged about 40 years, Male, Son of Dalsingar Bind Resident of Village- Gangapur (Sonaon), P.S.- Durgawati, District- Kaimur at Bhabua.**

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Rajani Kant Pandey, Advocate
For the Informant	:	M/S. Sheo Kumar Prasad and Santosh Kumar Pandey, Advocates
For the Respondent	:	Mr. Bipin Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 04-01-2023

Re. I.A. No. 01 of 2022:

Heard learned counsel for the appellant nos. 2 and 3, learned counsel for the informant and learned A.P.P. for the State.

The present Interlocutory Application has been filed for suspension of sentence and grant of bail to the appellant nos. 2 and 3, during the pendency of the present



appeal.

The appellant nos. 2 and 3 have been convicted and sentenced to undergo rigorous imprisonment for life for the offence under Sections 302/34 of the Indian Penal Code (hereinafter 'I.P.C') alongwith a fine of Rs. 20,000/- each and in default of payment of fine, they have further been sentenced to undergo simple imprisonment for six months.

It has been submitted on behalf of the appellant nos. 2 and 3 that they have been wrongly convicted by the learned trial court. The learned trial court has not appreciated the evidence available on record. It has been submitted that the appellant nos. 2 and 3 were all along on bail during the trial. They had never misused the privilege of bail. It is further submitted that the appellant nos. 2 and 3 are in custody since 18.01.2022 i.e., from the date of conviction. As per allegation, there is no allegation of assault alleged against the appellant nos. 2 and 3 causing any injury upon the deceased. Rather the appellant no. 1 had given Garasa blow on the head of the deceased which was fatal in nature and led to death of the deceased. There is no chance of appeal being taken up in near future for hearing



in its usual course.

Learned Additional P.P. appearing for the State and learned counsel for the informant have opposed the prayer for grant of bail to the appellant nos. 2 and 3.

Considering the fact that there is no allegation of assault alleged against appellant nos. 2 and 3 and they had not misused the privilege of bail during the trial and there is no likelihood of the appeal being taken up in the near future for hearing in its usual course, during the pendency of the present criminal appeal, let the sentence of the appellant nos. 2 and 3, namely, Sechu Bind and Abhimanyu Bind, be suspended and the appellant nos. 2 and 3, namely, Sechu Bind and Abhimanyu Bind be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Kaimur at Bhabua in Sessions Trial No. 246 of 2019, Registration No. 246 of 2019, G.R. No. 755 of 2019, arising out of Durgawati P.S. Case No. 98 of 2019.

The realization of fine imposed upon the appellant nos. 2 and 3 is not stayed and it is directed to be paid by the



appellant nos. 2 and 3 within a period of eight weeks from the date of their release from the custody.

Accordingly, I.A. No. 01 of 2022 stands allowed to the extent as indicated above.

(Sudhir Singh, J)

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(Alok Kumar Pandey, J)

