

**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. V.N.P. Singh, Sr. Advocate and Mr. Rajani Kant Pandey, Advocate.
For the Informant : Mrs. Priyam Kumari, Advocate
For the State : Mr. Dilip Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

6 03-05-2023

Re. **I.A. No. 02 of 2023:**

Heard learned counsel for the appellant no. 1, 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 no. 1, during the pendency of the present appeal.

The appellant no. 1 has 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/- and in default of payment of fine, he has further been sentenced to undergo an additional simple imprisonment for six months.

It has been submitted on behalf of the appellant no. 1 that he has 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 no. 1 is in custody since 12.04.2019. He has remained in custody for more than four years and there is no chance of appeal being taken up in near future for hearing. It is further submitted on behalf of the appellant no. 1 that the informant is the eye witness to the alleged occurrence. During the trial, P.W. 6, in his deposition, has stated that the head of the father of the informant was cut by the Garasa from the sharp edge by the appellant no. 1. This fact has come in paragraph no. 30 of his deposition. The postmortem report shows that the injury which has been sustained by the deceased is of lacerated wound caused by hard and blunt substance. The allegation as made by the



informant does not corroborate with the medical evidence. Earlier the case was instituted for the offence under Section 307 of the I.P.C. alongwith other allied Sections of the I.P.C. but later on, after death of the deceased during treatment, Section 302 of the I.P.C. was also added in the present case. Hence, in the said circumstances, the evidence of the informant appears to be doubtful and cannot be relied upon.

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 no. 1.

Considering the aforesaid facts, during the pendency of the present criminal appeal, let the sentence of the appellant no. 1, namely, Suchit Bind, be suspended and the appellant no. 1 be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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



no.1, it is directed that 50% of the fine amount shall be deposited by the appellant no. 1 within a period of eight weeks from the date of his release from the custody.

Accordingly, I.A. No. 02 of 2023 stands allowed to the extent as indicated above.

(Sudhir Singh, J)

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(Chandra Prakash Singh, J)

