

CASE NO.:
Appeal (crl.) 177 of 2008

PETITIONER:
Sunil Singh

RESPONDENT:
State of Bihar & Anr

DATE OF JUDGMENT: 25/01/2008

BENCH:
ASHOK BHAN & DALVEER BHANDARI

JUDGMENT:
JUDGMENT

O R D E R

CRIMINAL APPEAL NO.177 OF 2008
[Arising out of S.L.P.(Crl.)No.2443 of 2007]

Leave granted.

The present appeal has been filed by the complainant for cancellation of bail granted to respondent no.2, viz., Shambhu Kahar, by the High Court by the impugned order dated 31st October 2006.

Respondent no.2 herein, amongst other accused, was named in FIR No.13/2002 under Section 302/120B/34, Indian Penal Code. The trial court, by order dated 28th June 2006 held respondent no.2 guilty and convicted him for the offence under Section 302/149, IPC and 27 of the Arms Act and sentenced him to undergo imprisonment for life under Section 302/149, IPC and for three years under Section 27 of the Arms Act.

Appeal filed by the respondent no.2 is pending before the High Court. During pendency of the appeal, the High Court has released the said respondent on bail.

This Court, by order dated January 19, 2007 passed in Criminal Appeal No.82 of 2007, had cancelled the bail granted by the High Court to one of the co-accused in the same FIR, namely, Manoj Sah.

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In view of the order passed in the aforementioned appeal and in view of the fact that the trial has now concluded in respect of the present accused and he has been held guilty as aforesaid, we deem it fit to cancel the bail granted by the High Court.

Ordered accordingly.

It is directed that respondent no.2 be taken into custody forthwith.

It is made clear that the High Court shall decide the pending appeal in accordance with law without being influenced by any of the observations made herein as also in the order passed by this Court in Criminal Appeal No.82 of 2007.

The appeal is allowed accordingly.