

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.462 of 2016

Arising Out of PS.Case No. -118 Year- 2001 Thana -DHURAIYA District- BANKA

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Md. Badrujjama son of Late Makbul Ahmad, resident of village -
Bishanpur, P.S. – Dhoraiya, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar.
2. Md. Mahfooz son of Late Ajij.
3. Md. Jasim son of Late Lakkho.
4. Md. Lutto son of Ismail.
5. Md. Ajhar
6. Md. Nayeem
- Both sons of Late Shekhawat.
7. Md. Akhtar son of Late Shekhawat.
8. Md. Maroof.
9. Md. Farooque
- Both sons of Azhar Hussain.
10. Md. Jamil
11. Md. Nasim
- Both sons of Md. Akhtar Hussain.
- All residents of village and P.O. - Bishanpur, P.S.- Dhoraiya, District -
Banka.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Das No.- 2
For the Respondent/s : Mr. Zeyaul Hoda, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**
ORAL ORDER

2 05-07-2016 At the outset, it has been submitted by learned counsel

for the appellant Mr. Ranjeet Kumar Das that due to inadvertence

the matter has been filed before this Court as a Single Judge

Appeal. He submits that challenge is to an order of acquittal

passed by the sessions court in a case in connection with charge

under Section 307 of the Indian Penal Code and, as such, an

appeal before the Division Bench would lie. In that view of the matter, he seeks leave of the Court to withdraw the instant memo of appeal in order to file an appropriate appeal before the Division Bench of this Court.

Leave is granted.

The application is disposed of as withdrawn with liberty to the appellant to file another appropriate appeal in the same subject matter before this Court.

In case the appellant files a true photo copy of the impugned judgment passed by the trial court, the Registry is directed to return the certified copy of the impugned judgment to the learned counsel for the appellant after retaining the photo copy on record.

(Ashwani Kumar Singh, J)

Md.S./-

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