

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.799 of 2016

Arising Out of PS.Case No. -328 Year- 2016 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

- =====
1. Surendra Kumar Yadav S/o Ganesh Yadav resident of Village -
Sirishtapur, P.S. - Janta Bazar, District - Chapra.
 2. Diwakar Kumar Singh S/o Kamla Kant Prasad Singh Resident of Manas
Marg, South Nehru Nagar, P.S. Patliputra, District - Patna.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan Prasad, Advocate
Mr. Rajendra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 30-11-2016 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
after going through the case-diary has conceded that the
statement of Mantoon Ram has not been recorded under Section
161(3) of the Code of Criminal Procedure by the Investigating
Officer till date.

Considering the facts and circumstances noticed by
this Court in its order dated 06.10.2016, impugned order dated
22.08.2016 passed by the learned Special Judge, SC/ST,

Begusarai in connection with Muffasil P. S. case NO. 328 of 2016 is set aside. The provisional bail granted to the appellant vide aforesaid order dated 06.10.2010 is hereby confirmed.

The appeal stands allowed.

(Ashwani Kumar Singh, J.)

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