

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.674 of 2016

Arising out of PS.Case No. -60 Year- 2008 Thana -BAIKUNTHPUR District- GOPALGANJ

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Satya Narayan Rai, son of Pathlu Rai, resident of village - Sirsa Setha, P.S.
- Baikunthpur, District - Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.
2. Satya Deo Rai, son of late Sheolal Rai
3. Manager Rai
4. Indal Rai
5. Parshuram Rai
6. Sipahi Rai
7. Nandlal Rai
8. Hiralal Rai
9. Munnilal Rai

Sl. Nos. 3 to 9 are sons of Satya Deo Rai

All residents of village - Sirsa Setha, P.S. - Baikunthpur, District -
Gopalganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lakshmi Kant Sharma, Advocate.

For the State : Mr. Sri Binod Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-09-2016

In view of the defect as pointed out by the Registry
that an appeal under the proviso to Section 372 of the Cr. P.C.
would be maintainable before the Division Bench and not before
the Single Judge.

Learned counsel for the appellant seeks leave to
withdraw the present application in order to file another appeal in
the same subject matter before the Division Bench.

Leave is granted.

The application is disposed of with liberty aforesaid.

In case, learned counsel for the appellant files a photocopy of the impugned judgment dated 28th July, 2016, the Registry is directed to return the certified copy to the learned counsel for the appellant after retaining the photocopy of the same.

(Ashwani Kumar Singh, J)

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