

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51722 of 2013

Arising Out of PS.Case No. -7 Year- 2012 Thana -KURSELA District- KATIHAR

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1. The State of Bihar through the Superintendent of Police, Katihar having his office of Collectorate Compound District- Katihar.

.... Petitioner/s

Versus

1. Kere Lal Yadav @ Kare Yadav @ Karu Yadav S/O Bijay Yadav
Resident Of Village- Khairya, Police Station- Kursala, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukeshwar Dayal, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

16 29-11-2016 This application under Section 439(2) of the Code of Criminal Procedure has been filed on behalf of the State of Bihar seeking cancellation of bail granted to the opposite party by virtue of order dated 04.09.2012 passed in Criminal Miscellaneous No. 31034 of 2012 arising out of Kursela P.S. Case No. 07 of 2012, G.R. No. 328 of 2012, Trial No. 3326 of 2012. Despite issuance of notice, the opposite party has not appeared.

It transpires from the record that the opposite party was convicted of an offence punishable under Section 25(1-B)A and 26 of the Arms Act and was sentenced to undergo rigorous imprisonment for three years by the trial court. He preferred an appeal under Section 389(2) of the Code and sought for grant of



bail of the appeal which was rejected by the appellate court. He thereafter preferred an application being Criminal Miscellaneous No. 31034 of 2012 before this Court seeking bail. This Court by an order dated 04.09.2012 allowed the opposite party, privilege of bail in connection with the concerned Criminal Appeal No. 29 of 2012 arising out of Trial No. 3326 of 2012 (Kursela P.S. Case No. 07 of 2012).

Since the notices could not be served upon the opposite party, this Court by an order dated 13.04.2016 had called for a report from the court of Chief Judicial Magistrate, Katihar as regards the stage of the appeal and as to why the appeal was not being disposed of . A report has accordingly been sent by the court below from which it transpires that said Criminal Appeal No. 29 of 2012 has been disposed of by modifying the sentences, by judgment and order dated 06.05.2016 passed by learned Additional Sessions Judge-II, Katihar.

Considering the above, this application has apparently become infructuous and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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