

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.37 of 2017

Arising Out of PS.Case No. -19 Year- 2013 Thana -SANOKHAR District- BHAGALPUR

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Soni Kumari, daughter of Late Ratan Kumar Dubey, resident of Village- Agaia, P.O. & P.S. Sanokhar, District- Bhagalpur, Bihar, represented through her guardian Aunt (Elder sister of the deceased) Sangita Pandey, Wife of Pramod Kumar Pandey, Resident of Village- Haria- Lalmatia, P.O. & P.S. Baunsi, District- Banka at present residing at Radha Krishna Mandir, Bihari Park A-17, Devil Road Khanpur, South East Delhi, Delhi- 110062.

.... Appellant

Versus

1. The State of Bihar.
2. Fantus Kumar @ Shri Niwas Pandey, Son of Late Sachchida Nand Pandey, resident of Village Dhuwabai, P.O. & P.S.- Sanokhar, District- Bhagalpur.
3. Sunil Sharma, Son of Naresh Prasad Sharma, Resident of Village- Dhuwabai, P.O. & P.S.- Sanokhar, District- Bhagalpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Braj Nandan Kumar Tiwary
For the Respondent/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

6 05-07-2017 Sri Braj Nandan Kumar Tiwary, learned counsel for the appellant, in presence of learned Addl. Public Prosecutor, again requests for granting time for filing petition for grant of leave.

Normally, the appeal against acquittal is required to be filed with a petition for grant of leave under Section 378(3) of the Code of Criminal Procedure. However, without such petition, the appeal was filed and this Court, on last occasion, had granted



indulgence to learned counsel for the appellant for filing petition for grant of leave, but till date same has not been filed and today again prayer is being reiterated for granting adjournment.

Accordingly, in absence of petition for grant of leave, the appeal against acquittal stands dismissed.

(Rakesh Kumar, J)

(Mohit Kumar Shah, J)

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