

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.181 of 2017

Arising Out of PS.Case No. -16 Year- 2015 Thana -SC/ST District- BANKA

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1. PRASADI YADAV SON OF DUKHI YADAV
2. DINESH SAH, SON OF RAMDHANI SAH.
3. JITU YADAV, SON OF LAKHAN YADAV.
4. BINO YADAV, SON OF DEVI YADAV.
5. TIPAN YADAV @ TIPAN @ JAI PRAKASH YADAV, SON OF JAGDISH YADAV.

ALL ARE RESIDENT OF VILLAGE-DARDA, P.S.-KATORIA,
DISTRICT-BANKA.

.... APPELLANT/S

VERSUS

THE STATE OF BIHAR

.... RESPONDENT/S

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Appearance:

For the Appellant/s : Mr. Ranjan Kumar Jha, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 **03-04-2017** Learned counsel for the appellants has fairly submitted that as cognizance had already been taken and further considering the principle decided by the Hon'ble Apex Court in *Bachu Das vs. State of Bihar & Ors.* reported in (2014) 3 SCC 471, instant memo of appeal became non-maintainable and so, intends to withdraw the same with a liberty that while considering the prayer for bail on merit by the learned lower court, the learned lower court would consider the status of the appellant not being named in the FIR as well as were not sent up for trial without being influenced by the instant order.



With the aforesaid liberty, instant memo of appeal is dismissed as withdrawn.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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