

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3895 of 2018

Arising Out of PS. Case No.-55 Year-2009 Thana- AANDAR District- Siwan

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Shankar Yadav son of late Rajeshwar Yadav, resident of village- Bharauli,
Police Station- Ander, District- Siwan

... .. Appellant

Versus

1. The State Of Bihar
2. Manoj Yadav son of Amarnath Yadav
3. Rajnath Yadav son of Ram Tapesha Yadav
4. Amarnath Yadav son of Ram Tapesha Yadav
5. Binod Yadav son of Amarnath Yadav

2 to 5 are residents of village- Bharauli, Police Station- Ander, District-
Swian

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr. Shyed Ashfaque Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 07-12-2018 At the outset, learned counsel for the appellant submitted that erroneously, this memo of appeal against the judgment of acquittal under proviso to Section 372 of the Code of Criminal Procedure has been filed as Single Judge appeal whereas the same should have been filed as Division Bench appeal. He sought leave to withdraw the appeal with liberty to challenge the impugned judgment by way of filing an appeal before the Division Bench in accordance with law.

Leave is granted.

The appeal is disposed of.

In case the appellant files photostat copy of the impugned judgment, the registry shall retain the same on record



and return the certified copy of impugned judgment to the
learned counsel for the appellant.

(Ashwani Kumar Singh, J)

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