

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.264 of 2018

In
CRIMINAL APPEAL (SJ) No.3485 of 2017

Arising Out of PS. Case No.-163 Year-2002 Thana- GHORASAHAN District- East
Champanan

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Umesh Rai, S/o Ram Bilash Rai, resident of village Sapha, P.S. Ghorasagan,
District East Champanan

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sikandar Rai
3. Birendra Rai

Both son of Jang Bahadur Rai

4. Banka Rai
5. Lakhbir Rai
6. Sota Rai
7. Radha Rai

All sl. No. 4 to 7 are son of Thaga Rai

8. Sanjai Rai S/o Radha Rai
9. Raj Kishore Rai S/o Radha Rai
10. Rajdeo Rai, S/o Radha Rai
11. Dharamdeo Rai
12. Devendra Rai
13. Prabindra Rai

All sl. no. 11 to 13 are sons of Sota Rai

All sl. no. 2 to 13 are resident of village – Sopha, P.S. Ghorasahan, District
-East Champanan

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Binod Kumar Singh
For the Respondent/s	:	Smt. Abha Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

11 02-04-2019

Heard learned counsel appearing for the appellant

as well as learned Additional Public Prosecutor for the State on



I.A. No. 750/2018, I.A. No. 751/2018 as well as on the point of admission.

I.A. No. 750 of 2018 has been filed under Section 5 of the Limitation Act on behalf of the appellant for condonation of delay of more than one year in filing this criminal appeal on the ground that after pronouncement of impugned judgment, the appellant handed over relevant documents to his *Pairvikar* to prefer his appeal against the impugned judgment but *Pairvikar* of the appellant did not file appeal and when the appellant inquired about the filing of the appeal from his *Pairvikar*, then the appellant learnt about non filing of the appeal against the impugned judgment.

We find that the appellant has not given sufficient cause of delay and the reason as placed by the appellant of not filing the appeal in time does not appear to be convincing.

The appeal is highly time barred and, therefore, we do not think it proper to condone the delay in filing this criminal appeal and, accordingly, in our view this criminal appeal is liable to be dismissed being time barred.

Since, this Court has held that this appeal is time barred, therefore, there is no need to pass order on I.A. No. 751 of 2018, accordingly, this appeal stands dismissed being



time barred.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Spd/-

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