

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No. 277 of 2020

Arising Out of PS. Case No.- 158 Year-2002 Thana-Sultanganj District-Bhagalpur

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1. Dayanand Rai son of late Tarni Rai, resident of village-Bahwnathpur,
P.S.- Akbarnagar (Sultanganj), Bhagalpur, Bihar.
 2. Bam Bam Rai son of Dayanand Rai, resident of village- Bahwnathpur,
P.S. Akbarnagar (Sultanganj), Bhagalpur, Bihar.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellants : Mr. Rajiv Kumar Singh, Advocate

For the Respondent-State: Mr. Satya Narayan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 12-10-2020 Mr. Rajiv Kumar Singh, learned counsel for the appellants seeks leave to withdraw the present Division Bench appeal with liberty to file an appropriate Single Judge appeal against the impugned judgment. He contended that since the sentence awarded to the appellants is 10 years, the appeal is maintainable before Single Judge, but inadvertently, it has been filed as Division Bench Appeal.

2. Leave is granted. The appeal is disposed of.

3. Registry is directed to return the certified copy of



the judgment of the trial court to the learned counsel for the appellants in case he submits a Xerox copy of the same, after retaining the Xerox copy on record.

4. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to us on our e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by one of us (Ashwani Kumar Singh, J.) to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by us shall be preserved in the residential office of one of us (Ashwani Kumar Singh, J.) for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Rajiv



Kumar Singh, learned counsel for the appellants also on his e-mail.

- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

(Arvind Srivastava, J)

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