

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3206 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- MAHILA PS District- Gaya

Pappu Kumar @ Pappu Yadav

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Nikhil, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 24-08-2021 **Re. Interlocutory Application No. 1 of 2021**

In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the appellant and the Spl PP for the State are present.

Interlocutory application no. 1 of 2021 has been filed for condonation of 41 day delay in filing the appeal.

It is submitted that in spite of best efforts, the petitioner's father (*Pairvikar*) could not take steps for filing the appeal within time due to various restrictions and ill health with Covid-19. In the background, the prayer for condonation is allowed.



In view of the judgment of a co-ordinate Bench of this Court dated 07.11.2019, passed in ***Cr. Misc. no. 52792 of 2019*** titled as ***Guddu Kumar Yadav vs. The State of Bihar*** reported in ***2019 (4)PLJR 1240*** and having regard to the fact that the impugned order in the instant appeal is passed by a Special Judge POCSO Court, the appellant's counsel submits that he may be permitted to convert the present appeal into an application for bail under Section 439 of the Cr.P.C.

Permission is accorded.

Appellant's counsel should file the converted petition afresh in the instant case.

(Madhuresh Prasad, J)

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