

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3378 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- ISHIPUR District- Bhagalpur

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VIKASH @ VIKKI KUMAR GOSWAMI S/o GIRDHARI GOSWAMI R/o
VILLAGE-ISHIPUR BARAHAT, P.S.-ISHIPUR BARAHAT, DISTRICT-
BHAGALPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Swapnil Kumar Singh, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 26-10-2021

I.A.No. 2 of 2021

This application has been filed seeking to convert this appeal into a criminal miscellaneous application under Section 439 and 440 of the Code of Criminal Procedure.

Learned counsel for the appellant submits that conversion is required in the light of the judgment of the learned coordinate Bench of this Court in the case of Guddu Kumar Yadav Vs. State of Bihar reported in 2019 (4) PLJR 1240 (HC). It is also submitted that in the interest of justice the conversion may be allowed because withdrawal of this appeal and filing of a fresh one will not only burden the appellant with cost and wastage of time, the same will also burden the system.

Ms. Usha Kumari-1, learned Spl.P.P. for the State is



present and she has no objection to the I.A. No.2 of 2021.

I.A. No.2 of 2021 is, thus, allowed. Let this Criminal Appeal (SJ) be converted in a criminal miscellaneous application under Section 439 and 440 of the Code of Criminal Procedure.

Office shall register the same accordingly and learned counsel for the appellant shall be allowed to carry on necessary corrections, if any, in the present memo of appeal.

Let the formalities be completed within a period of one week from today and the matter be listed before the appropriate Bench on 16th November, 2021.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

