

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2074 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Puran Yadav @ Prusottam Yadav Son of Premlal Yadav, Resident of Village -
Bhawanipur, P.S.- Rangra, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lilma Devi Late Dinbandhu Harijan Resident of Village-Nagarah, Ward
No.-07, P.s.-Naugachhia, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indeshwari Prasad Mandal, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-11-2022 Learned counsel for the appellant submits that vide order dated 13.10.2022 this Hon'ble Court has pleased to direct the Special Public Prosecutor to ensure service of notice upon respondent no.2 to Superintendent of Police, Bhagalpur.

Learned Special Public Prosecutor submits before the Court that he has already communicated about the said notice upon respondent no.2 through Superintendent of Police, Bhagalpur, just after couple of days of granting provisional bail. Today he is ready to defend the stand of respondent no.2.

Learned counsel for the appellant submits that since communication to the respondent no.2 about allowing the provisional bail has already been communicated through Special

Public Prosecutor in the month of October itself and even after lapse of about one month no one appeared on behalf of respondent no.2 and in this view of the matter his provisional bail may be confirmed.

Learned Special Public Prosecutor has no objection for the same.

In the present facts and circumstances of this case and the submissions made above, let the provisional bail granted to the appellant vide order dated 13.10.2022 is hereby **confirmed** and the order dated 27.04.2022 passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act) Bhagalpur in Spl. SC/ST Case No. 217/2021 arising out of Naugachia P.S. Case No. 440 of 2021 is hereby set-aside.

With this observation, the criminal appeal stands disposed off.

(Dr. Anshuman, J.)

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