

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2093 of 2022**

Arising Out of PS. Case No.-38 Year-2019 Thana- LADAIYATAR District- Munger

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Vinod Yadav @ Binod Kumar Bihari S/O Baleshwar Yadav Resident of
Village- Tilatar, Satgharwa, P.S.- Laraiya Tand, District- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Garbhu Korha S/O Late Durga Korha Resident of Village- Satgharwa , P.S.-
Ladaiya Tand, District- Munger.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Gaurav Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan,Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 17-09-2022 Learned counsel for the appellant is permitted to
remove all the defects within two weeks from today.

This appeal has been preferred seeking setting aside
of the order dated 04.06.2021 passed by the learned Special
Judge, SC/ST Act-cum-A.D.J.-I, Munger in Laraiyatand P.S.
Case No.38 of 2019 registered for the offences under Sections
302, 201, 120B of the Indian Penal Code and Sections 3(2)(v),
3(i)(r)(s) of the SC/ST Act.

Earlier the prayer for bail of the appellant was
rejected vide order dated 01.09.2021 passed in Cr.Appeal (SJ)
No.2887 of 2021. This Court had not preserved any liberty to
the appellant for renewal of the prayer for bail.



In the aforesaid view of the matter, the plea raised on behalf of learned Spl.P.P. for the State saying that the petitioner having failed in his attempt to get set aside the impugned order on the earlier occasion cannot move a fresh Cr.Appeal (SJ) against the same order. If at all he has to move afresh, he has to come via the court below.

This Court finds substance in the submission of learned Spl. P.P. for the State.

Learned counsel for the appellant is permitted to withdraw this appeal with liberty to file a fresh application for bail in the learned court below and only in case of rejection of the said application he can move afresh before this Court.

If such an application is filed on behalf of the appellant in the learned court below, the same shall be considered and disposed of within a period of 30 days from the date of filing of the application.

This application stands disposed of accordingly.

(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'.

