

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37210 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- MAHILA P.S. District- Patna

Janardan Gope @ Lalan Gope S/O Late Lakhan Gope Resident of Tulsi
Mandi, P.S.- Alamganj District- Patna-800007

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Guria Kumari @ Guria Devi D/O Sahdeo Paswan W/O Subham Kumar
Yadav Resident of Adami Gaon, near Shastri Nagar Police Station, P.S.-
Shastri Nagar, District- Patna-23

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajesh Mohan, Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-12-2022 Vide previous order dated 26.09.2022 of the

Coordinate Bench office was directed to ascertain whether the

present bail application was maintainable in view of the fact that

besides Sections of Indian Penal Code, the SC/ST Act has also

been incorporated.

Pursuant thereof a report has been received from Joint

Registrar (List) wherein he has submitted that the case was

wrongly filed by the learned counsel and the concerned stamp

reporter being new to the section also could not find the defect

whereas the petition was required to be filed under Criminal

Appellate Jurisdiction. The concerned stamp reporter has sought

his unqualified apology for his inadvertent mistake.

The explanation furnished by the learned Joint Registrar (List) is accepted and the concerned official is warned to remain careful in future.

From office report, it is clear that only a Criminal Appeal is maintainable in this case and the present Cr. Misc. petition is not maintainable.

Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file a fresh Criminal Appeal under the relevant provisions of law.

Permission is granted.

As prayed, the present petition is dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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