

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1338 of 2022**

Arising Out of PS. Case No.-11 Year-2020 Thana- SC/ST District- Katihar

Sk. Hasib S/O Sk. Mustafa R/O Village- Naya Tola, Gopalpur, P.S.-
Amdabad, District- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Nikhil Ravidas S/o Saryug Ravidas R/o village- Nirpur, P.S.- Amdabad,
District- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

9 14-02-2023 It appears that vide order dated 14.07.2022,

the appellant was granted provisional bail for three

months and notices were issued to the respondent No. 2

for his appearance before this Court. Thereafter, on

several occasions, the matter was passed for want of

service of notice. The respondent No. 2 was again

noticed vide order dated 17.11.2022. The office note

dated 11.01.2023 suggests that notice has been

received by the wife of the respondent No. 2, however,

no jointness petition has been filed by the appellant.

Re:- Interlocutory Application No. 1 of 2023



The present Interlocutory Application has been filed by the appellant with regard to the jointness of the respondent No. 2 with his wife who has received the notice on behalf of the respondent No. 2.

It is submitted by learned counsel for the appellant that respondent No. 2 and his wife are jointly residing in the house. Hence, the notices issued to the respondent No. 2 be deemed to be validly served to the respondent No. 2.

Since, wife of the respondent No. 2 is residing with the respondent No. 2 in the same house and she has received the notice, hence the notices issued to the respondent No. 2 is treated to be validly served to the respondent No. 2.

Accordingly, I.A. No. 1 of 2023 stands allowed.

Heard learned counsel for the appellant and learned Special P.P for the State. In spite of valid service of notice, none appears on behalf of the respondent No. 2.



Since the appellant was granted bail on merits and none have entered appearance on behalf of the respondent No. 2 in spite of valid service of notice, the provisional bail granted to the appellant vide order dated 14.07.2022 is hereby confirmed.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

