

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.152 of 2025

Arising Out of PS. Case No.-75 Year-1993 Thana- BODHGAYA District- Gaya

Krishna Dev Yadav, Son of Late Basant Yadav, Resident of Village- Sijua,
Bagdaha, PS- Bodhgaya, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Jai Singh Son of Late Murli Singh Resident of Village- Dahariya Bigha,
P.S.- Bodh Gaya, Distt.- Gaya
3. Birendra Kumar Singh, Son of Shri Krishna Singh R/O- Village- Aajan, P.S.-
Madanpur, Distt.- Aurangabad
4. Deo Sharan Das, Son of Late Hari Das, Resident of Village- Keshopur, P.S.-
Telhara, Distt.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant : Mr. Ajay Kumar Sinha, Adv.
For the State : Mr. Abhimanyu Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 09-02-2026

I.A. No. 01 of 2025

This is an application seeking condonation of 213 days in filing the present appeal.

2. This appeal has been preferred under section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for setting aside the judgment of acquittal dated 19.02.2024 passed by the court of learned Additional Sessions Judge-III, Gaya, in S. Tr. No. 136/2001 arising out of Protest Complaint Case No. 762/1993.

3. The only reason shown for the delay of 213 days is



stated in paragraph 5 of the application which is reproduced as under for ready reference :-

“That thereafter the appellant return back to his village and he became ill and when he recovered from illness on 15-01-2025 thereafter he managed money for meet the expenses in the filing the present appeal and after managing of money on 18-01-2025 came to Patna and contacted to a counsel of this Hon'ble court and handed over the entire documents to file the present Appeal. The learned counsel of the appellant after drafting the case the same has been filed on 20-01-2025 before this Hon'ble court.”

4. We have noticed that in support of the statements made in paragraph 5 of the application, the appellant has not enclosed even a chit of paper showing that he was under medical advice and was unable to move.

5. On the other hand, we have found from the records that the appellant happened to be the Circle Secretary of the Communist Party of India, Bodh Gaya, and is said to be a well educated person. The reason shown in paragraph 5 of the application is a statement written in general manner which



would not inspire confidence of the court unless it is duly supported by the doctor’s prescription or the medical certificates showing that the appellant was either hospitalized or was not in a position to file the application. So such delay of 213 days can not be condoned on any aspect.

6. I.A. No. 01 of 2025 is dismissed.

7. As a result of the dismissal of the application (I.A. No. 01 of 2025), the appeal itself stands dismissed.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

Annu/BKS-

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