

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.906 of 2025

Arising Out of PS. Case No.-176 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Mother of victim, C/o Dinesh Sada R/O Village- Bhagwanpur, Chakshekhu,
Ward No. 1, P.S.- Dalsigh Sarai, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashish Kumar Soni Son of Late Siyavar Sharan Prasad R/O Village-
Bhagwanpur, Chakshekhu, Ward No. 1, P.S.- Dalsigh Sarai, District-
Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Surya Narayan Roy, Advocate
For the State	:	Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

5 20-04-2026

I.A. No.1 of 2026

This is an application seeking condonation of delay of 249 days in filing of the present appeal against the judgment of acquittal. In paragraph '3' of the application, the appellant has shown the reason which we reproduce hereunder for a ready reference:-

"That petitioner is suffering from epilepsy from 15.08.2024 to 22nd July 2025 in the meantime he was treated with Dr. Chandradeep Kumar and Dr. A.P. Sinha M.B.B.S, M.D. (D.U.) and prescription of doctor attached here with."

2. It appears that in support of her statement under



paragraph '3' of the application, the appellant has enclosed a photocopy of prescription as Annexure-P/1. We have perused the said prescription. On a Letter Pad of one Dr. A.P. Sinha, General Physician (Cardiologist), the doctor has recorded "C/O Fever, Jaundice, Pain ABD and physical weakness". He advised certain medicines. Some medicines have been again prescribed on 05.10.2024. The another enclosed document is prescription of one Dr. Chandradeep Kumar which only mentions that there is burning in the abdomen and fever. This Dr. A.P.Sinha advised the appellant on 12.12.2025 to undergo USG. There is nothing to show that the appellant had purchased any medicine. No statement has been made that there is no other family member who could have pursued the matter in appeal. The appellant applied for the certified copy of the judgment after about 11 months from the judgment of acquittal. It is not her case that she was not aware of the judgment.

3. The documents enclosed with the application do not inspire confidence of the Court. The inordinate delay of 249 days (more than eight months) in filing of the appeal has not been explained by the appellant. In such



circumstance, we are of the opinion that the delay is such that it cannot be condoned.

4. This application is dismissed. As a result of the dismissal of the application, the appeal stands dismissed.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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