

Court No. - 49

Criminal Misc. Bail Application No. 3 of 2019

IN

Case :- CRIMINAL APPEAL No. - 2997 of 1985

Appellant :- Munna And Others

Respondent :- State Of U.P.

Counsel for Appellant :- Vinod Kumar Sharma, Prem Chandra Dwivedi

Counsel for Respondent :- A.G.A.

Hon'ble Krishna Pratap Singh, J.

Heard Mr. Prem Chandra Dwivedi, learned counsel for the appellant Nos. 3 and 4 and learned AGA for the State on the bail application.

This bail application has been moved on behalf of appellant No. 3 and 4, namely, Bhanwra and Bhura against the order dated 01.11.2018, whereby non-bailable warrants have been issued against the appellants.

Learned counsel for the appellant Nos. 3 and 4 submits that this appeal was listed for the first time on 01.11.2018 after the year 1985. It is further submitted that Mr. Vinod Kumar Sharma, earlier counsel is no more and due to which no one had appeared to argue the appeal and as a result thereof non-bailable warrants have been issued against the appellants. In this appeal, the appellant No. 3 and 4, namely, Bhanwra and Bhura were granted bail by this Court vide order dated 06.11.1985 and they have never misused the liberty of bail. The appellant Nos. 3 and 4, namely, Bhanwra and Bhura are in jail since 08.01.2019.

In this view of the matter, let appellant Nos. 3 and 4, namely, **Bhanwra** and **Bhura**, who have been arrested pursuant to the order of this Court dated 01.11.2018 be released on bail in S.T. No. 294 of 1984 (State vs Munna and others) arising out of Case Crime No. 90 of 1982, under sections 307/34 IPC, PS Saiyan, District Agra on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

On acceptance of bail bonds and personal bonds, the lower court shall transmit photostat copies thereof to this Court for being kept on record.

Perusal of the report of Chief Judicial Magistrate, Agra dated 09.01.2019 indicates that appellant No. 1 and 2, namely, Munna and Randhir are no more.

Accordingly, the appeal against the appellant No. 1 and 2, namely, **Munna** and **Randhir** is dismissed as abated.

Lower court record stands received.

Office is directed to prepare paper book within two months and provide a copy of the same to the learned counsel for the appellants on payment of usual charges and free of cost to the learned AGA.

List thereafter for final hearing.

Order Date :- 1.3.2019

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