

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4580 of 2015

Arising Out of PS.Case No. -594 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Abbas @ Tuntun, son of Md. Ahamad, resident of village-Dharhara,
P.S.-Parsauni, District- Sitamarhi

.... Petitioner/s

Versus

1. State of Bihar
2. Tabassum Nisha, wife of Md. Abbas @ Tuntun

at present C/o Shaid Alam, village-Dharhara, P.S;-Parsauni, District –
Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate
For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL ORDER

2 04-02-2015

Heard.

This is second attempt on behalf of the petitioner, whose prayer vide order dated 3rd December 2014 in Cr. Misc. No. 43819 of 2014, in connection with C-1/594/2013, pending before the Chief Judicial Magistrate, Sitamarhi was dismissed as withdrawn on the submission that the solitary petitioner is arrested by the police during pendency of the application.

As is evident in paragraph 11 of the present petition, in view of the settlement between the parties, the counsel was directed to withdraw the said application but by mistake it was submitted that petitioner has already been arrested.

In both view of the matters, petitioner's intention was not to pursue the application under Section 438 of the Code of Criminal Procedure filed earlier.

Taking into consideration, this aspect this application stands disposed of. It is made clear that in the event petitioner was not arrested, the averment made in earlier order was not come in his way at the time of seeking regular bail.

(Akhilesh Chandra, J)

Ashwini/-

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