

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42145 of 2014

Arising Out of PS.Case No. -98 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

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Md. Salam Nadaf S/o Md. Mustafa Nadaf Resident of Village Dhanaula
Taralahi, P.S. Bahadurpur, District Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shambhu Nath Jha, Advocate

For the Opposite Party : Mr. Nagendra Pd., APP

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

3 19-08-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Md. Salam Nadaf, in connection with Bahadurpur Police Station Case No. 98 of 2014 under Section 366A read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 15.09.2014, passed, in A.B.P. No. 603 of 2014, by the learned Sessions Judge, Darbhanga, dismissing the said application for pre-arrest bail.

Heard Mr. Shambhu Nath Jha, learned Counsel for the petitioner, and Mr. Nagendra Prasad, learned Special Additional Public Prosecutor, appearing on behalf of the State.

It is submitted, on behalf of the petitioner, that the co-accused, namely, Md. Mustaf Nadaf, has already been granted

anticipatory bail by order, dated 15.09.2014, passed, in A.B.P. No.372 of 2014, by the learned Sessions Judge, Darbhanga.

In view of the above, learned counsel for the petitioner seeks permission to withdraw this petition with liberty to the petitioner to move before the learned Court below for pre-arrest bail.

No objection has been raised to the prayer for withdrawal made by the petitioner.

In view of above and in the interest of justice, the application is hereby disposed of as withdrawn with liberty aforementioned.

It is further made clear that in case, the petitioner apply for bail, learned Sessions Judge shall look into the prayer for pre-arrest bail on the basis of the materials available and not merely on the basis of the submission, which may be made by the learned Prosecutor, and shall dispose it of at the earliest.

(I.A. Ansari, ACJ)

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