

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47633 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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Ajay Mahto, aged about 20 years, Son of Krishna Mahto, Resident of
Village - Simari, P.S. - Bakhtiyarpur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 03-11-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in
Bakhtiyarpur P.S. Case No. 51 of 2015 dated 07.03.2015
instituted under Sections 448/323/341/324/325/379/
504/506 of the Indian Penal Code and 3 (1) (x) of The
Scheduled Castes and The Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

It appears that in the said F.I.R. one Ajay
Mahto Son of Kusheshwar Mahto has been made accused.
However, the petitioner before the Court in the present case is
Ajay Mahto Son of Krishna Mahto. On a query to learned
counsel for the petitioner, he submits that the police have
issued notice to him with regard to the present case and that
is why he apprehends his arrest in connection with the present
case.

At this juncture, learned A.P.P. for the State submits that the present application under Section 438 of the Code of Criminal Procedure, 1973 is not maintainable as the petitioner has sought relief in connection with Bakhtiyarpur P.S. Case No. 51 of 2015 in which the petitioner is not an accused and rather another person, though his namesake has been made accused and thus, he may move in an appropriate proceeding for protecting his interest.

Faced with the situation, learned counsel for the petitioner seeks permission to withdraw the application to enable him to move before the Court in an appropriate proceeding.

Accordingly, the application stands disposed off as withdrawn with the liberty aforesaid.

(Ahsanuddin Amanullah, J.)

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