

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25130 of 2015

Arising Out of Complaint Case No. -1839 of 2014 District- GAYA

- =====
1. Birendra Kumar son of Late Ram Dahin Singh
 2. Arvind Singh son of Late Bali Singh
- Both residents of Neyamatpur,
P.S.- Belaganj, District-Gaya

.... Petitioners

Versus

1. The State of Bihar
2. Seema Kumari wife of Sonu Kumar, resident of village- Neyamatpur,
P.S.-Belaganj, District- Gaya

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra
For the Opposite Party/s : Mr. Pushpa Sinha(APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 08-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Birendra Kumar and Arvind Singh, in connection with Complaint Case No. 1839 of 2014 under Sections 147/323/452/354 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 16.04.2015, passed, in A.B.P. No. 737 of 2015, by the learned Sessions Judge, Gaya, rejecting the said application for pre-arrest bail.

Heard Mr. Bidhanesh Mishra, learned counsel for the petitioners, and Ms. Pushpa Sinha, learned Additional Public

Prosecutor, appearing on behalf of the State.

It is submitted, on behalf of the petitioners, that the petitioners have been served with a summon issued in the case aforementioned, but they apprehend that on their arrest, they may be detained in custody and may not be allowed to go on bail.

Ordinarily, in a complaint case when summons are served and accused is not likely to abscond, he shall be allowed to go on his personal bond on bail so that the *complaint case* can proceed in accordance with law.

In view of the above position of law, Mr. Bidhanesh Mishra, learned counsel for the petitioners, seeks permission to withdraw this application with liberty to approach this Court with appropriate application, in future, if so warranted.

To the submissions so made, no objection has been raised on behalf of the opposite party.

In view of the above and in the interest of justice, this application is hereby disposed of as withdrawn with liberty to the petitioner to approach this Court with appropriate application.

It is also made clear that if on their appearance in the learned Court below, the petitioners apply for bail, in connection with the complaint case aforementioned, learned Court below shall deal with the same in accordance with law bearing in mind what

have been indicated above.

(I. A. Ansari, J.)

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