

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25470 of 2015

Arising Out of PS.Case No. -1839 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Munna Kumar son of Arvind Singh resident of Neyamatpur, P.S. Belaganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Kumari, W/o Sonu Kumar resident of village- Neyamatpur, P.S. Belaganj, Distt- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Opposite Party/s : Mr. Smt. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-07-2015

Learned counsel for the petitioner has submitted

that bail petition of similarly situated co- accused has been disposed of by this court, therefore, the present application may also be disposed of in terms of order passed in Cri. Misc. No. 25130 of 2015. The present application is being disposed of in the light of the observation and direction made in the above noted case.

This is an application, made under section 438 of the Code of Criminal Procedure, seeking pre arrest bail by the petitioner, namely Munna Kumar 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, and 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 petitioner, and Ms. Pushpa Sinha, learned Additional Public Prosecutor, appearing on behalf of the State.

It is submitted on behalf of the petitioner, that the petitioner has been served with a summon issued in the case aforementioned, but he apprehend that on his arrest, he may be detained in custody and may not be allowed to go out bail.

Ordinarily, I 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. Bidhnesh Mishra, learned counsel for the petitioner, 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 his appearance in the learned court below, the petitioner 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.

The application stands disposed of.

(Sudhir Singh, J)

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