

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50046 of 2014

Arising Out of PS.Case No. -411 Year- 2014 Thana -RUNISAIDPUR District- SITAMARHI

=====

Mobin Azad son of Md. Abdul Ganni resident of village - Olipur, P.S.
Runnisaidpur, District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kr Jha, Adv & Mr. Arun
Kumar Sinha, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey(App)

For the Informant : Mr. Vikram Deo Singh, Adv

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 07-09-2015 Since this case has been restored today vide

separate order passed in Criminal Miscellaneous No.

34728 of 2015, this Court has also heard learned counsel

for the parties, on the merits of this case.

2. The petitioner apprehending his arrest for the

offences punishable under Sections-302, 201/34 of the

Indian Penal code, has come out to say that the version

of the informant is out and out based on hearsay version

and therefore, when no one has seen the petitioner doing

away with the life of the deceased, the petitioner will be

entitled for privilege of anticipatory bail.



3. In this regard, Mr. Subodh Kumar Jha, learned counsel for the petitioner also relies on an order of this Court dated 21.07.2015 in Criminal Miscellaneous No. 27429 of 2015, whereby and whererunder, co-accused Dr. Tuntun Rai has been granted privilege of anticipatory bail.

4. Mr. Vikram Deo Singh, learned counsel appearing on behalf of the informant, on the other hand has submitted that the case of Dr. Tuntun Singh, will be clearly distinguishable on facts, inasmuch as, he at best had committed medical negligence in causing abortion in course of which the deceased is said to have succumbed to death. In this regard he has also placed reliance on paragraph no. 8 of the case diary, which according to him will make it clear, that it was the petitioner who not only had developed illicit relationship with the deceased but the pregnancy, whose termination/abortion had become fatal for the deceased was caused only by the petitioner.

5. Having regard to the aforesaid submission of learned counsel for the Opposite Party No. 2, when this Court was reluctant to grant privilege of anticipatory bail to the petitioner, learned counsel for the petitioner seeks permission to withdraw this application in order to enable the petitioner to surrender before the Court below and make prayer for his regular bail.

6. That being so, this application for grant of anticipatory bail is dismissed as withdrawn but then it is made clear that nothing said in this order, however, will come in the way of the petitioner in surrendering before the Court below and making prayer for regular bail and if the petitioner does so, his prayer for regular bail shall be considered on its own merits without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--