

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.714 of 2016

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Raj Ballabh Prasad @ Raj Ballabh Prasad Yadav, son of Jehal Prasad,
resident of village Pathara English, P.O. Orhanpur, P.S. Muffasil, District
Nawada

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna
3. The Director General of Police, Bihar, Police Headquarter Old
Secretariat, Patna
4. The Superintendent of Police, Nalanda at Bihar Sharif
5. The S.H.O. Mahila Police Station, Bihar Sharif
6. Jail Superintendent, Bihar Sharif

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma(AAG3)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 03-08-2016 Heard Mr. Akhileshwar Prasad Singh, learned counsel

for the petitioner and Mr. P.K.Verma, learned AAGIII, appearing

for the respondents.

Though this Court has no roster of the criminal writ
application, but in view of the administrative order of Hon'ble the
Chief Justice dated 2.8.2016 the matter has been listed.

The petitioner being the MLA of Rashtriya Janta Dal, a
ruling political party, has preferred the present application for a
direction to participate in third session of the Bihar Legislative
Assembly.

The petitioner is languishing in custody in connection

with Bihar Mahila P.S.Case No. 15/2016 registered under sections 376, 420, 34 of the Indian Penal Code and sections 4, 6 and 8 of the POSCO Act.

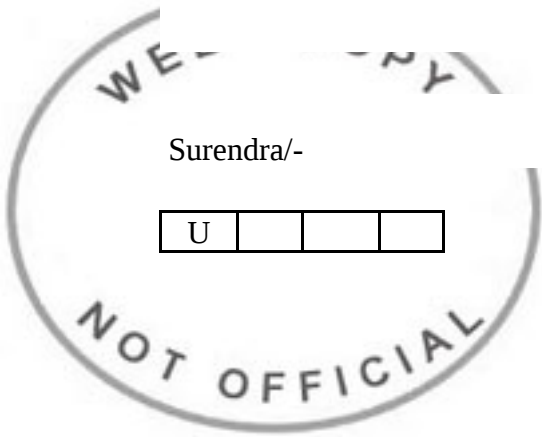
The detail schedule of third Session of Bihar Legislative Assembly has been brought on record as Annexure 2 to the writ petition which suggests that the Session is going to conclude temporarily on 4th of August, 2016. Since Mr. P.K.Verma, learned AAG, prays for one day adjournment to seek instruction, it is not possible to consider the prayer of the petitioner.

In the circumstances, Mr. Akhileshwar Prasad Singh, learned Senior counsel for the petitioner, seeks permission to withdraw the application to file fresh petition before the learned court below with a prayer to attend the next Session of the Assembly in view of the fact that similarly situated MLAs have been permitted to attend the Assembly Session.

The application is dismissed as withdrawn with the liberty abovementioned.

It is expected from the learned court below to consider any such application being filed in future without being prejudiced by the order of this Court keeping in view of the fact that similarly placed MLAs have been permitted by the learned court below to attend

the Assembly Session.



(Dinesh Kumar Singh, J)