

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16776 of 2016

Arising Out of PS.Case No. -115 Year- 2012 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Akhilesh Kumar Singh @ Akhilesh Singh @ Manoj Singh @ Manoj Kumar Singh @ Uttam Singh @ Uttam @ Tinku Son of Shree Ram Bujhawan Singh, Resident of Shukul Chak, Police Station - Kadona, District - Jehanabad.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak
For the State Mr. Bhanu Pratap Singh(App)
For the Union of India Mr. Rakesh Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 29.04.2016 Heard the parties.

Petitioner has chosen wrong forum for getting bail because according to the decision rendered by Full Bench of this court in the case of Bahadur Kora vs. State of Bihar and other analogous cases passed in Criminal Appeal (FB) No. 149 of 2015 dated 27.3.2015, this petition filed under sections 439 and 440 of the Code of Criminal Procedure is not maintainable as the impugned order dated 16.1.2016 passed by learned Special Judge, N.I.A, Patna in Special case no. 04 of 2013/ RC 01 of 2013 is an appealable order.

In course of hearing, learned counsel for the petitioner seeks permission for withdrawal of this petition with liberty to file appeal in accordance with law against the impugned order. Learned counsel for the petitioner also prays for return of certified copy of the

impugned order so that he could file appeal before appropriate forum.

In view of the aforesaid submissions, this petition stands dismissed as withdrawn.

However, petitioner may file appeal against the impugned order in accordance with law and furthermore, office is directed to return the certified copy of the impugned order dated 16.1.2016 to the petitioner.

(Hemant Kumar Srivastava,J)



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