

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36543 of 2016**

Arising Out of PS.Case No. -108 Year- 2016 Thana -HASPURA District- AURANGABAD

=====

1. Ekbal Ansari son of Late Sattar Ansari  
2. Chhotu Ansari son of Ekbal Ansari  
Both resident of Village- Amjhor Sharif, P.S.-Haspura, District-  
Aurangabad (Bihar)

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Baidyanath Prasad

For the Opposite Party/s Mr. Sadanand Paswan (Spl.APP)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

04 16.11.2016

It is informed on behalf of the State that a Division Bench of this court in Cr. Misc. no. 25276/2016 and analogous cases has already held that petition under section 438 of the Cr.P.C is not maintainable before this court and furthermore, Division bench has held that accused of the aforesaid Act has no remedy except to file petition under section 438 of the Cr.P.C before the Special court and after rejection the accused may file appeal before this court under section 14 (1) of the amended Act. It is submitted on behalf of the State that in view of the findings given by the Division Bench of this court, this anticipatory bail petition is not maintainable.

Learned counsel for the petitioners seeks permission for withdrawal of this petition with liberty to file appeal before the competent court.

With the above stated liberty, this petition filed in

connection with Haspura P.S. Case no. 108/2016 pending in the court of the Chief Judicial Magistrate, Aurangabad stands dismissed as withdrawn.

Shahid

(Hemant Kumar Srivastava, J)

