

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41492 of 2016

Arising Out of PS.Case No. -64 Year- 2014 Thana -BELHAR District- BANKA

1. Bijay Yadav @ Vijay Yadav S/o Late Raghu Yadav Resident of village -
Mahkara, Police Station Belhar, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s Sri Kumar Virendra Narayan

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 26.09.2016

Office has reported that the impugned order goes to show that bail petition filed by the petitioner in Sessions Trial no. 218/2015 arising out of Belhar P.S. Case no. 64/2014 has not yet been disposed of by Addl. Sessions Judge V, Banka.

Learned counsel for the petitioner informs that on 13.4.2016 bail petition filed on behalf of the petitioner was moved before Addl. Sessions Judge V, Banka and the same was rejected by the concerned court passing the impugned order but the concerned court failed to write the word “rejection” in the impugned order. However, when the aforesaid error was brought to the notice of Presiding officer of the concerned court, the present Presiding officer refused to modify the order dated 13.4.2016. Learned counsel further submits that if this court permits the petitioner to withdraw this petition with liberty to press his bail petition in the court of Addl. Sessions Judge V, Banka, petitioner may withdraw this petition with the aforesaid liberty.

From perusal of the impugned order, I find that bail petition filed on behalf of the petitioner appears to be still pending in the court of Addl. Sessions Judge V, Banka and no positive order has been passed by the concerned court on the aforesaid bail petition and, therefore, in the aforesaid circumstance, this petition appears to be pre-mature.

However, petitioner is permitted to withdraw this petition with liberty to move bail petition filed by him in Sessions Trial no. 218/2015 before Addl. Sessions Judge V, Banka and if the petitioner does so, the concerned court shall pass specific and clear order on the aforesaid bail petition within two days from the above stated move.

With the aforesaid observation/liberty, this petition stands dismissed as withdrawn.

Shahid

(Hemant Kumar Srivastava, J)

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