

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44065 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -PATEPUR District- VAISHALI (HAJIPUR)

=====

Ravindra Kumar Sah, Son of Sri Jai Kishun Sah, Resident of Village- Dadhua, P.S.-
Patepur, District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Imteyaz Ahmad, Advocate
For the State : Mr. Binay Krishna, SPL. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with
Patepur P.S. Case No. 54 of 2016 dated 27.06.2016 instituted under
Sections 147/148/149/323/324/379/427/307/504/506 of the Indian
Penal Code, 27 of the Arms Act and 3(1)(x) of The Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the 'Act').

At the very outset, learned Special P.P. raises a
preliminary objection and submits that the present application under
Section 438 of the Code of Criminal Procedure, 1973 is not
maintainable in view of the bar of Section 18 of the Act. It is
submitted that from the plain reading of the *fardbeyan*, allegation
under the Act is made out.

Faced with the situation, learned counsel for the

petitioner seeks permission to withdraw the application with liberty to surrender before the Court below and seek regular bail which may be considered on its own merits.

Learned Special P.P. does not oppose.

In view of the aforesaid, the application stands disposed off as withdrawn with the liberty aforesaid.

If the petitioner surrenders before the Court below within one month from today, along with a copy of this order, and seeks regular bail, the same shall be considered by the Court below, without being prejudiced by the present order.

It goes without saying that all points available to the petitioner, including those raised in the present application, shall be considered by the Court below, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--