

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36559 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Surendra Singh S/o Late Dasrath Singh
 2. Narendra Kumar @ Narendra Singh
 3. Himansu Kumar Both Sons of Surendra Singh
- All Resident of village-Meghipur, P.S.- Pakriwarawan, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Krishna Rajbanshi S/o Late Rama Rajbanshi All Resident of village-Meghipur, P.S.- Pakriwarawan, District- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh
For the Opposite Party/s Mr. Ambika Bhagat

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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 Complaint Case no. 129/2015 pending in the court of Sri Sujit Kumar, Judicial Magistrate, Ist Class, Nawada/ concerned court stands dismissed as withdrawn.

Shahid

(Hemant Kumar Srivastava, J)

