

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18729 of 2016

Arising Out of PS.Case No. -1501 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Chandrika Tiwari, Son of Ram Shreshtha Tiwari, Village- Dahila, P.S.- Gaighat, Distt.- Muzaffarpur.
 2. Madhurendra Tiwari, Son of Uday Shankar Tiwari, Village- Dahila, P.S.- Gaighat, Distt.- Muzaffarpur.
 3. Pramod Tiwari, Son of Hari Kishore Tiwari, Village- Dahila, P.S.- Gaighat, Distt.- Muzaffarpur.
 4. Geeta Devi, W/o Pramod Tiwari, Village- Dahila, P.S.- Gaighat, Distt.- Muzaffarpur.
 5. Pintu Tiwari, S/o Uday Shankar Tiwari, Village- Dahila, P.S.- Gaighat, Distt.- Muzaffarpur.
 6. Rajeev Tiwari, S/o Nawal Kishore Tiwari, Village- Madhepura, P.S.- Hathudhi, Distt.- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar
2. Sheetal Kapoor, D/o Sundar Mohan Singh, resident of New No.- 28, Old No.- 20, Venkadesan Naicken, 2nd Street, Mount Road, P.S.- Chennai, Dist- Chennai-02, (Tamil Nadu).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar (App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 13-05-2016

In view of the decision of this Court rendered in

Salim Ansari @ Md. Salim Vs. The State of Bihar [2015 (3)

PLJR 806], learned counsel for the petitioners seeks leave to withdraw this application to appear before the court below pursuant to summon issued.

Accordingly, this application is dismissed as withdrawn with the aforesaid liberty granted to the petitioners.

However, it is made clear that if only summons have been issued and no warrant of arrest has been issued as yet, the court below would proceed in accordance with law also considering the ratio decided in **Salim Ansari (supra)** holding that even if complaint involves commission of non-bailable offence, no purpose would be served by detaining the accused in a complaint case unless an extreme case is made out. The court below would also not get prejudiced by the fact that the Sessions Judge has already rejected the prayer of the petitioners for grant of anticipatory bail.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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