

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11802 of 2017

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Md. Imtiyaz S/o- Rafique, Resident of Village- Koshkipur, Singhiya Tola,
P.S.- Araria, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar
For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 15-03-2017

The present application has been preferred by

Md. Imtiyaz for modification of order dated 30.06.2015 passed in Cr. Misc. No. 46026 of 2014 with a prayer to cancel the provisional anticipatory bail granted to the petitioner vide order dated 30.06.2015 passed in Cr. Misc. No. 46026 of 2014 whereby Md. Imtiyaz was granted provisional anticipatory bail in Complaint Case No. 4037C of 2013, pending in the court of learned Chief Judicial Magistrate, Araria.

The dispute was with regard to birth of a male child within four months of the marriage as a result both sides agree for DNA matching of the petitioner and child. The provisional bail of the petitioner was to be confirmed by the learned court below if the DNA of the child does not match



with the petitioner, but if the DNA of the petitioner gets matched with the petitioner, then the petitioner was supposed to surrender and pray for bail.

It is submitted by learned counsel for the petitioner that the petition ought to have filed on behalf of the complainant for cancellation of the provisional anticipatory bail of the petitioner Md. Imtiyaz but inadvertently the petition has been preferred on behalf of the petitioner. Hence, Md. Ziaul Quamar, learned counsel seeks permission to withdraw this application.

The prayer is allowed.

Accordingly, this application is dismissed as withdrawn.

(Dinesh Kumar Singh, J.)

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