

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34849 of 2017**

Arising Out of PS.Case No. -31 Year- 2017 Thana -HATHIDAH District- PATNA

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Avinash Kumar @ Avinash Kr. Mahto, S/o- Lalbabu Mahto @ Ajeet Kr. Mahto, Resident of Village + P.S.- Singhia, District- Samastipur.

.... .... Petitioner.

Versus

The State of Bihar

.... .... Opposite Party.

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**Appearance :**

For the Petitioner : Mr. Din Bandhu Mishra, Advocate.

For the State : Mr. Parmanand Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

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3      09-08-2017      Perused the office notes.

Learned counsel for the petitioner submits that in view of the order dated 07.07.2017 passed in Criminal Misc. No.26109 of 2017 by a Bench of this Court, this application, under Section 438 of the Code of Criminal Procedure, is not maintainable and seeks permission to withdraw this application with a liberty to the petitioner to seek remedy before the appropriate forum.

Permission is accorded.

Accordingly, this application, which has been filed on behalf of the petitioner to grant him anticipatory bail in connection with Hatidah P.S. Case No.31 of 2017, pending in the court of the Additional Sessions Judge-VIII-cum-Special Judge-Excise, Patna, is dismissed as withdrawn with the aforesaid liberty granted to the petitioner.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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