

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21536 of 2017

Arising Out of PS.Case No. -498 Year- 2014 Thana -BIHTA District- PATNA

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Sunil Rai @ Sunil Kumar, son of Rajdeo Rai, resident of village- Neuri,
P.S. Bihta, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Arun

For the Opposite Party/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-05-2017

At the very outset, a preliminary objection was raised by Smt. Usha Kumari, learned Special Public Prosecutor on the point of maintainability of the present petition. She submits that in view of provision contained in Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the petitioner can file an appeal, not petition under Section 439 and 440 of the Code of Criminal Procedure.

After objection being raised, learned counsel for the petitioner makes a prayer for withdrawal of the present petition, so that the petitioner, if so advised, may avail appropriate remedy.

The prayer is allowed.

The petition stands dismissed as withdrawn with liberty as indicated above.

NKS/-

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(Rakesh Kumar, J)

