

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42719 of 2018

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Chhotu Kumar son of Sri Deoki Yadav Resident of village Pachhatti,
P.S.Bodh gaya, District Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-07-2018 Submission of the learned counsel for the petitioner is that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court, vide order dated 5.4.2018 passed in Cr. Misc. No.15800 of 2018 (Annexure-4) and order dated 25.6.2018 passed in Cr. Misc. No.19371 of 2018 (Annexure 4/1).

The Stamp Reporter has pointed out that the petition under Section 370 of the IPC is not maintainable in view of the order of the Hon'ble Apex Court dated 3.4.2018 passed in SLP (CRL.) No.6753 of 2017.

Submission of the learned counsel for the petitioner is that the Hon'ble Apex Court has passed the order on 3.4.2018 and thereafter one of the co-accused has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court as well as by this Court and for the sake of maintaining sanctity this application be also entertained.



However, considering the order dated 3.4.2018 passed in SLP (CRL.) No.6753 of 2017 by which all the courts including this Court are restrained from hearing the application under Section 370 of the IPC and the case of human trafficking and that order has been made available to this Court after the bail order granted to one of the co-accused.

In such view of the matter, the defect(s) as pointed out by the Stamp Reporter appears to be genuine. Hence, this application is permitted to be withdrawn with liberty to the petitioner to move before the Appropriate Court as per direction of the Hon'ble Apex Court .

(Vinod Kumar Sinha, J)

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