

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33489 of 2018**

Arising Out of PS. Case No.-102 Year-2016 Thana- KUSHESHWARSTHAN District-  
Darbhanga

- 
1. Sanjay Pandit @ Sanjay Kumar Suman, S/o Ramanand Pandit,
  2. Sanjeev Pandit S/o Ramanand Pandit,
  3. Bhola Pandit S/o Late Kameshwar Pandit, All the residents of Village- Rambari, P.O. - Beri, P.S.- Kuseshwar Sthan, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Akshay Lal Pandit

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2     03-07-2018                      Heard Mr. S. Azim, learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Kusheshwar Sthan P.S. Case No. 102 of 2016 dated 18.05.2016 instituted for the offences under Sections 147, 149, 447, 452, 354(B), 379, 323 and 504 of the Indian Penal Code.

The allegation is of assault and making attempts at outraging the modesty of the informant.

Mr. S. Azim, Learned counsel for the petitioner has submitted that though the anticipatory bail of the petitioner was rejected by the court below about 1½ years ago but the same was never challenged before this



Court for the reason that there was every possibility of settlement between the parties. However, that did not happen and now the petitioners are apprehending arrest.

During course of investigation, one of the accused persons died whereas another accused person was arrested. The aforesaid arrested accused person was however released on bail by the court below.

In that view of the matter, after some arguments, Mr. Azim, learned counsel for the petitioners seeks permission to withdraw the present petition in order to enable the petitioner to surrender before the court below and seek regular bail. In case such a petition is filed, the court below shall look into the facts specially that one of the similarly situated accused persons has been granted bail and shall pass an order in accordance with law preferably on the same day.

The petition is dismissed as withdrawn with the liberty aforesaid.

**(Ashutosh Kumar, J)**

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