

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1190 of 2019**

Arising Out of PS. Case No.-3131 Year-2009 Thana- COMPLAINT CASE District- Araria

MD. SABAUL HASSAN, aged about 50 years, Sex-male, son of Noorul Hassan, resident at Hassan Villa, Choudhary Mohalla, P.O. P.S. & District – Katihar, presently posted as a Chief Manager, State Bank of India, P.O., P.S. & District - Banka

... .. Petitioner/s

Versus

1. State Of Bihar  
2. Dayanand Dharkar, son of late Ajay Lal Dharkar, Resident of Kusiargaon, P.S. & District - Araria

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Bihari Sinha  
For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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

2      18-11-2019                      Mr. Pankaj Kumar Sinha, learned counsel for the petitioner, after some arguments, seeks permission to withdraw this petition in order to enable the petitioner to prefer a fresh petition for discharge before the court below.

Should such an application be filed along with all necessary documents, the same shall be taken into account by the court below and a reasoned order shall be passed in accordance with law. The court below shall not be prejudiced by the fact that earlier the application preferred by the petitioner under Section 245 of the Code of Criminal Procedure has been rejected by it. At that time, necessary



documents, demonstrating that at the relevant time, the petitioner was not posted as Branch Manager, could not be furnished before the court below and therefore his petition was dismissed.

The present observation has been given only taking into account the aforesaid facts.

Dismissed as withdrawn with the liberty aforesaid.

**(Ashutosh Kumar, J)**

skm/-

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