

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38773 of 2019**

Arising Out of PS. Case No.-261 Year-2018 Thana- BELHAR District- Banka

1. Uchit Pandit Son of Dinesh Pandit Resident of Village - Bhimadih, P.S.- Belhar, District- Banka
2. Dinesh Pandit Son of Bindeshwari Pandit @ Ram Sunder Pandit Resident of Village - Bhimadih, P.S.- Belhar, District- Banka
3. Manorma Devi Wife of Dinesh Pandit Resident of Village - Bhimadih, P.S.- Belhar, District- Banka

... .. Petitioners

Versus

The State Of Bihar

... Opposite Party

**Appearance :**

For the Petitioners : Mr.Mritunjay Prasad Singh, Advocate

For the Opposite Party : Mr.Aditya Narayan Singh.1, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      09-09-2019                      Heard learned counsel for the petitioner as well as  
learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence under sections 341, 323, 308, 504/34 of the Indian Penal Code.

Informant alleges that the petitioners entered into his house and assaulted him with *lathi* causing head injury.

Learned counsel for the petitioners submits that the informant and the petitioners are family members and relatives and on account of some family discord, they have falsely been implicated in a concocted case.

Referring to the observation of the learned Additional Sessions Judge III, Banka made in the impugned order dated



26.4.2019 that “*the petitioners have been given the benefit of section 41(C) of the Cr.P.C. and nothing is available on the record which shows that there is apprehension of the arrest of the petitioners by the police, anticipatory bail application seems not maintainable.*”, it is submitted by the learned State counsel that petitioners are not required to be extended the privilege of the anticipatory bail as there is no apprehension of their arrest in the instant case.

In view of the observations of the learned Additional Sessions Judge III, Banka made in the impugned order passed in ABP No.1632 of 2018, the bail application is permitted to be withdrawn.

**(Prabhat Kumar Singh, J)**

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