

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6438 of 2020

Arising Out of PS Case No.-188 Year-2018 Thana- KURSAKANTA District- Araria

Md. Sarif @ Md. Sharif Alam (Male) aged about 55 years, Son of Late Ahmad, Resident of Village - Garaiya, Ward No.-3, P.S. - Kursakanta (Kuwari O.P.), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Advocate
For the State	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 28-02-2020

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Kursakanta PS Case no. 188 of 2018 dated 19.08.2018 instituted under Sections 341, 353 and 385/34 of the Indian Penal Code.

3. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the present application and surrender before the Court below in light of the observations made in the order dated 08.01.2019 passed in ABP No. 2038 of 2018, by the 3rd Additional District and Sessions Judge, Araria, who while rejecting the prayer for anticipatory bail of the petitioner in the present case had observed that Section 353



of the Indian Penal Code was not attracted in the facts and circumstances of the case and the other Sections were bailable.

4. In view thereof, as prayed for, the application stands disposed off as withdrawn with liberty aforesaid.

5. If the petitioner surrenders before the Court below within four weeks from today and seeks bail, the same shall be considered in light of the observations made in order dated 08.01.2019 in ABP No. 2038 of 2018, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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