

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28096 of 2020

Arising Out of PS Case No.-60 Year-2020 Thana- TARARI District- Bhojpur

Shiv Lagan Singh @ Dhananjay Singh aged about 46 years (Male), Son of Late Rajbansh Singh, Resident of Village - Sara, PS- Tarari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the State : Mr. Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 14-12-2020 The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. The case has been taken up out of turn on motion slip filed by Mr. Sanjay Kumar Tiwary, learned counsel for the petitioner pointing out that due to inadvertence, the application has been filed seeking pre-arrest bail in a case, *inter alia*, under the SC/ST Act, as Criminal Miscellaneous under Section 438 of the Code of Criminal Procedure, 1973. It was submitted that instead Criminal Appeal (SJ) is required to be filed. Thus, prayer was made that he may be permitted to withdraw the application with liberty to file Criminal Appeal (SJ).

3. Mr. Md. Aslam Ansari, learned Additional Public



Prosecutor (APP) appearing for the State, did not dispute that Criminal Appeal has to be filed in the present matter.

4. Accordingly, as prayed for by learned counsel for the petitioner, the application stands disposed off as withdrawn with liberty aforesaid.

(Ahsanuddin Amanullah, J.)

Anand Kr./P. Kumar

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