

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35011 of 2020

Arising Out of PS. Case No.-224 Year-2020 Thana- SITAMARHI District- Sitamarhi

GANESH KUMAR S/o Chandeshwar Rai R/o Village- Bariyarpur, Ward No. 03, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Adv.

For the Opposite Party/s : Mr. Parmanad Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2020 Heard the learned counsel for the petitioner and the learned A.P.P. appearing for the State Shri Parmanand Kumar.

The petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 224 of 2020 for the offence punishable under Sections 354 (B)/34 of the Indian Penal Code, Section 3 (i) (r) (w) (1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 8 of the POCSO Act.

The Ld. Counsel for the petitioner, in presence of the Ld. A.P.P. for the State, Sri. Parmanand kumar, seeks to withdraw the present petition, which in any view of the matter is not maintainable, with liberty to the petitioner to assail the impugned order by way of filing an appeal, in view of the amended Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,



1989 as also in light of the Judgment rendered by the Ld. Division Bench of this Court in the case of Bisheshwar Mishra vs. The State of Bihar, reported in 2016 (4) PLJR 1058.

Accordingly, the present petition stands disposed of as withdrawn, however with liberty to the petitioner to assail the impugned order by way of filing an appeal in accordance with law.

Upon a request made by the Ld. Counsel for the petitioner and in view of the long incarceration of the petitioner herein as also in light of the unnecessary time consumed in pursuing the present ill advised petition, liberty is granted to the petitioner for urgent mentioning.

(Mohit Kumar Shah, J)

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