

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65429 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Jagdish Sharma Son of Late Khubi Sharma Resident of Village - Singhia
Bujurg (South), Ward No. 9, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Jitendra Kumar, Adv.
For the Opposite Party	:	Mr. Syed Ehteshamuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 04-06-2020 Heard learned senior counsel Mr. Yogesh Chandra Verma, appearing for the petitioner as well as learned Additional Public Prosecutor Mr. Syed Ehteshamuddin, appearing for the State through video conferencing.

Learned counsel of the petitioner submits that first information report goes to show that petitioner was not mentally fit at the time of alleged occurrence and he was unable to understand the act done by him. He further submits that impugned order of learned Sessions Judge also corroborates the aforesaid fact. However, in course of hearing, learned counsel of the petitioner seeks permission for withdrawal of this petition with liberty to raise the plea of lunatic before the trial court and after finding of trial court, petitioner may approach for bail or



other relief.

On the basis of aforesaid submission of learned counsel of the petitioner, this petition stands dismissed as withdrawn with liberty to petitioner to raise the plea of lunatic before the trial court and if petitioner does so, the learned trial court shall pass appropriate order on the aforesaid plea in accordance with law after holding proper enquiry.

(Hemant Kumar Srivastava, J)

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