

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30929 of 2021**

Arising Out of PS. Case No.-89 Year-2021 Thana- BUXAR District- Buxar

SHAMBHU GUPTA @ SHAMBHU SAH S/o Radhe Shayam Gupta R/o
village- Chhoyki Sarimpur, P.S.- Buxar Town, District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-10-2021 Mr. Mohit Shriwastava, learned counsel for the petitioner seeks withdrawal of this application without any liberty to file afresh application in the learned court below. Learned counsel is also not in a position to say as to why a regular bail application in which the petitioner is in custody is being withdrawn. He simply says that his instruction is to withdraw this application.

Mr. Akhileshwar Dayal, learned APP for the State is present.

In the kind of submissions made before this Court, this application cannot proceed and is dismissed as withdrawn.

Considering the peculiar nature of the mentioning seeking withdrawal of this case, by way of abundant caution this Court observes that the learned Court below shall look into the matter and in case it is found that the petitioner has moved the



learned court below during pendency of this application without disclosing about the pendency of this case before this Court, the same will be brought to the notice of this Court with an appropriate report and then the said report may be placed before this Court by the office.

List this matter with the report on 25.10.2021.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

