

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38870 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- MAJHAULIA District- West Champaran

NAUSHAD MIYA @ NAUSHAD ALAM @ MD NAUSHAD ALAM Son of
Md. Harun @ Harun Miyan Resident of Village- Parsa Dumariya, Ward No.
07, P.S.- Majhauria, District- West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 31-03-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned Counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks.

As per Sub Section 4 of Section 438 of Cr.P.C., the
present anticipatory bail application of the petitioner is not
maintainable as the case has been instituted for an offence under
Sections 376(D)(A) of I.P.C.

Hence, learned Counsel for the petitioner seeks
permission to withdraw the present application in connection
with Majhauria P.S. case No.41 of 2020 (SGR 18/2020)
pending in the court of Special Judge, POCSO-cum-A.D.J. VI,



West Champaran at Bettiah, with the liberty to surrender before the court below and make an appropriate application for regular bail.

Permission is accorded.

In case any such application is made, the court below shall consider the same on its own merit without being prejudiced by this order.

The present application stands disposed of as not maintainable.

(Sudhir Singh, J)

Narendra/-

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