

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9111 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. BHAGYA NARAYAN BHAGAT S/O LATE BISHWANATH BHAGAT R/O VILLAGE-SOUTH HUSAINI, P.S.-DUMARIYA GHAT, DISTRICT-EAST CHAMPARAN.
 2. RAMPATI @ RAMPATI DEVI W/O BHAGYA NARAYAN BHAGAT R/O VILLAGE-SOUTH HUSAINI, P.S.-DUMARIYA GHAT, DISTRICT-EAST CHAMPARAN.
 3. CHUNNU KUMAR S/O RAMJANAM BHAGAT R/O VILLAGE-SOUTH HUSAINI, P.S.-DUMARIYA GHAT, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr.Lakhsmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners submits that due to some misunderstanding on the part of the pairvikaar, a wrong prayer was made in the Court on 28.09.2021, that petitioner nos.1 and 2, namely, Bhagya Narayan Bhagat and Rampati @ Rampati Devi have been apprehended by the Police and the application filed on their behalf was dismissed as withdrawn. However, learned counsel submits that only petitioner no.1 was arrested, as such, the order dated 28.09.2021 be modified to that extent.

Considering the submissions made by learned counsel for the petitioners, the order dated 28.09.2021 is modified to the



extent that only petitioner no.1 has been apprehended and application filed on behalf of petitioner no.1 namely Bhagya Narayan Bhagat is dismissed as withdrawn.

The present case is being heard as against the petitioner nos.2 and 3, who are apprehending their arrest in connection with Dumariya Ghat P.S. Case No.34 of 2020, for the offence u/s 364/366(A)/34 of the IPC and section 8 of POCSO Act.

After some arguments, learned counsel appearing for the petitioners seeks permission to withdraw this application, in order to seek regular bail before the learned court below.

Permission is granted.

The instant application is dismissed as withdrawn with a liberty to the petitioner nos.2 and 3 to surrender before the learned court below within a period of four weeks from the date of receipt of a copy of this order.

The learned court below is directed to consider and dispose of the case of the petitioner nos.2 and 3, on the same date in accordance with the merits of the case without being prejudiced by the withdrawal of the present application.

(Anjani Kumar Sharan, J)

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