

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14476 of 2022

Gyanendra Kumar Behuria **Petitioner**
Mr. Byomakesh Tripathy, Advocate

-versus-

State of Odisha **Opp. Party**
Mr. S. Patra, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

Order No.
09.12.2022

02.

1. Heard learned counsel for the Petitioner and the State.
2. Learned counsel for the State submits that no FIR has yet been registered against the present Petitioner.
3. It is submitted by learned counsel for the Petitioner that the investigating agency was supposed to adhere the decision of the Apex Court in the matter of *Arnesh Kumar v. State of Bihar* reported in *(2014) 8 SCC 27*, which apparently has not been taken care of.
4. In view of the above, learned counsel for the Petitioner is permitted to withdraw the bail application with liberty to file application afresh if any, cause of action survives.
5. The ABLAPL is disposed of as withdrawn with the liberty as prayed for.

(Chittaranjan Dash)
Judge