

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26788 of 2024

Arising Out of PS. Case No.-82 Year-2011 Thana- BARHIYA District- Lakhisarai

Vikash Singh @ Vikash Kumar son of Ramakant Singh Vill- Garh Laxmipur
Ps- Harahiya Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2024 The learned counsel for the petitioner seeks permission to make rectification at para-1 of the anticipatory bail application.

2. Permission is accorded.

3. Heard learned counsel for the petitioner and learned APP for the State.

4. The case is of the year 2011 and instant anticipatory bail application has been filed in the year 2024.

5. The learned counsel for the petitioner submits that no doubt the instant FIR was instituted in the year 2011, but then police after investigation submitted final form exonerating the petitioner of the allegation, but the learned trial court differing with the police report took cognizance in the year 2011 itself, but petitioner was never served with any summon, as such petitioner was not aware that cognizance has been taken.



It is next submitted that when the instant FIR was instituted petitioner had antecedent of six cases, but then police after investigating the case came to a considered conclusion that petitioner was innocent. It is next submitted that once an investigating agency after threadbare investigation has come to a considered conclusion that petitioner is innocent whether it would be prudent for this Court to send the petitioner to jail based on cognizance which came to be taken on the same investigation report.

6. The learned APP opposes the anticipatory bail application and submits that the case is of the year 2011, though it has been pleaded that petitioner was never served with summon but then order sheet has not been annexed in support of the said contention.

7. At this stage, the learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

8. Permission is accorded.

9. Accordingly, the anticipatory bail application is dismissed as withdrawn.

(Satyavrat Verma, J)

Prakash Narayan

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