

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36727 of 2024

Arising Out of PS. Case No.-389 Year-2019 Thana- GARDANIBAG District- Patna

1. Ashutosh Kumar Jha @ Kumar Ashutosh Son of Amresh Kumar Jha Resident of Village - Yarpur Rajputana, Shivajipath, P.S. - Gardanibagh, District - Patna.
 2. Aditya Kumar Jha @ Kumar Aditya Son of Amresh Kumar Jha Resident of Village - Yarpur Rajputana, Shivajipath, P.S. - Gardanibagh, District - Patna.
 3. Ashish Kumar Jha @ Ashish Jha Son of Amresh Kumar Jha Resident of Village - Yarpur Rajputana, Shivajipath, P.S. - Gardanibagh, District - Patna.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-06-2024 1. Heard learned counsel for the petitioners, Mr.
Later on at
02:15 p.m. Rabindra Kumar learned A.P.P. for the State and learned counsel

appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 325, 307 and 504 of the Indian Penal Code.

3. The case was taken up at 12:45 p.m. when the Station House Officer, Gardanibagh Police Station was directed to remain physically present in the Court at 02:15 p.m.

4. In pursuance of the direction of this Court, the Station House Officer, Gardanibagh Police Station is present and submits that no doubt some delay has taken place but then



the injury suffered by the injured is simple in nature as has come in the report of the Doctor about 3-4 months back as such the police is going to file a charge-sheet after deleting Section 307 of the Indian Penal Code. It is further submitted that charge-sheet would be submitted within a period of 10 days from today.

5. Mr. Rabindra Kumar, learned A.P.P. submits that since it has been submitted by the Station House Officer, Gardanibagh Police Station that injury has been found to be simple and as such Section 307 of the Indian Penal Code is being deleted, in that event the offences for which the instant FIR has been instituted become bailable, hence, the petitioners do not have any apprehension of arrest.

6. Learned counsel appearing on behalf of the petitioners also concurs with the submission of the learned A.P.P.

7. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail but then fairly submits that since it has been submitted by the Station House Officer, Gardanibagh Police Station that Section 307 of the Indian Penal Code is being deleted, hence, the offences become bailable.

8. Learned counsel for the petitioners submits that



since now petitioners do not have any apprehension of their arrest, hence, seeks permission to withdraw the anticipatory bail application.

9. Permission is accorded.

10. Accordingly, this application for grant of anticipatory bail on behalf of the petitioners is dismissed as withdrawn in connection with Gardanibagh P.S. Case No. 389 of 2019 pending in the Court of learned 14th Additional Chief Judicial Magistrate, Patna/Successor Court.

11. The physical appearance of the Station House Officer, Gardanibagh Police Station is dispensed with.

(Satyavrat Verma, J)

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