

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80163 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- KHANPURA District- Samastipur

1. Manoj Singh son of Ram Kumar Sahni village- Madhutol, ps- Khanpur, Dist- Samstipur
2. Binod Kumar Mahto son of Ram Kumar Sahni village- Madhutol, ps- Khanpur, Dist- Samstipur
3. Ram Gulam Mahto son of Late Manki Mahto village- Madhutol, ps- Khanpur, Dist- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav
For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in Khanpur P.S. Case No. 170 of 2024 registered for the offences punishable under Sections 115(2), 117(2), 303(2) of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) and under Section 3/4 of the Prevention of Witch Practices Act.

3. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application.

4. Permission is granted.

5. Accordingly, the instant application is dismissed



as withdrawn. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order, considering the ratio laid down by the Hon'ble Apex Court in the case of *Arnesh Kumar vs. The State of Bihar* reported in **2014 (8) SCC 273** as well as order dated 31st July 2023 passed in Cr. Appeal No. 2207 of 2023 (*Md. Asfak Alam vs. The State of Jharkhand & Anr*).

(Anjani Kumar Sharan, J)

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