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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2436/2024**
SANDEEP KUMARPetitioner
Through: Mr.Faiz Imam, Mr.Irshad Mohd. and
Mr.Rajeev Kumar, Advocates

versus

STATE OF N.C.T. OF DELHIRespondent
Through: Ms.Meenakshi Dahiya, APP for State
with Mr.Arbab and Mr.Vidur,
Advocates with SI Amit Kumar, P.S.
Badarpur.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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29.08.2024

1. An application under Section 485 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0213/2023, under Section 308 IPC, registered at PS: Badapur, Delhi.
2. In brief, as per the case of the prosecution, petitioner is alleged to have been attacked his brother-in-law (Vipin @ Vishnu Bihari) with a cooking *tawa*.
3. Learned counsel for the petitioner submits that petitioner is in custody since 21.08.2023 and the chargesheet already stands filed. He further submits that other material witnesses except victim have been examined.
4. On the other hand, application is vehemently opposed by learned APP for the State and she submits that victim is still immensely suffering and has



not recovered from the injuries. Further victim is unfit to give his statement before the learned trial court, though offence has been registered only under Section 308 IPC.

5. At this stage, learned counsel for the petitioner seeks to withdraw the application for bail.

6. Taking the statement of learned counsel for the petitioner on record, application is accordingly dismissed as withdrawn. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 29, 2024/v