

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22214 of 2025

Arising Out of PS. Case No.-572 Year-2024 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Arvind Ray @ Arvind Prasad Yadav Son of Upendra Ray Resident of Village
- Jadhua, P.S. - Hajipur Town, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binay Kumar Son of Late Suraj Deo Singh, Resident of Village and Post -
Nikhatikalan, P.S. - Raghunathpur, District - Siwan, presently working as
Security Manager, Singla Construction Pvt. Limited, having its office at S.P.
Singla Construction Pvt. Limited, 5th Floor, Flat No.502, Kanaj Baraj
Complex, Boaring Road, P.S. - Srikrishnapuri, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-07-2025

Ref: I.A. No.1 of 2025

Learned Counsel for the petitioner, Learned Counsel
for the informant and Learned Counsel for the State are present.

2. Learned Counsel for the petitioner submits that
the present I.A. has been filed for substitution of deponent, who
has affidavited Cr. Misc. No.22214 of 2025.

3. It transpires from the record that the deponent being
son of the petitioner has executed the affidavit for filing the
present anticipatory bail application. By virtue of I.A. No.1 of



2025 prayer has been made to this Court to substitute the name of the deponent and at his place the daughter of the petitioner be treated as deponent/Pairvikar in the instant anticipatory bail application.

4. Learned Counsel for the State submits that with regard to substitution of deponent there is no such provision in law.

5. It transpires to this Court that once the Pairvikar has executed an affidavit and filed any application it means that every statement he has made in affidavit on oath and subsequently prayer for substitution of the said deponent is a mode unknown to law in the opinion of this Court. If due to any circumstance, any deponent does not want to pursue this case then petitioner has only remedy to withdraw the present Cr. Misc. application and file fresh one.

6. Counsel for the petitioner submits that permission may be granted to withdraw the present Cr. Misc. No.22214 of 2025 and liberty be granted to file fresh application.

7. In the light of the prayer, Cr. Misc. No.22214 of 2025 is permitted to be withdrawn with liberty to file fresh criminal miscellaneous through other deponent, as the present application has been withdrawn without considering the merit.



I.A. No.1 of 2025 is dismissed as not pressed.

(Dr. Anshuman, J)

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