

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67109 of 2025

Arising Out of PS. Case No.-459 Year-2020 Thana- ISLAMPUR District- Nalanda

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1. Mithlesh Singh, S/O Chandrika Singh R/O Village - Patti Bigha, P.S. - Islampur, Distt. - Nalanda
 2. Rahul Kumar @ Rahul Singh, S/O Mithlesh Singh, R/O Village - Patti Bigha, P.S. - Islampur, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-11-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners submits that similarly situated co-accused surrendered before the learned District Court and they were granted the privilege of regular bail but then case of the petitioners was not considered on the ground that they have antecedent of one case.

3. Learned A.P.P. for the State submits that case of the petitioners was not considered for the reason that they had not surrendered and sought regular bail, rather was seeking anticipatory bail and the yardstick for considering the anticipatory bail and the regular bail is different. It is further submitted that from perusal of the order impugned, it manifests



that the anticipatory bail application of the petitioners was rejected in the year 2022 and the petitioners in the year 2025 at their leisure have moved before this Court seeking anticipatory bail.

4. At this stage, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the anticipatory bail application with liberty to the petitioners to surrender and seek regular bail.

5. Permission is accorded.

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 Accordingly, the anticipatory bail application is dismissed as withdrawn.

7. It is made clear that if the petitioners surrender and seek regular bail, the learned Trial Court shall consider the case on its own merit without being prejudiced by the fact that petitioners before this Court withdrew the anticipatory bail application.

(Satyavrat Verma, J)

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