

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41748 of 2016

Arising Out of PS. Case No.-463 Year-2015 Thana- GAYA MUFASIL District- Gaya

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Bablu Kumar @ Bablu Paswan, Son of late Ambika Prasad, R/o Mohalla-
Bageshwari, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Kumar, Son of Laxmi Paswan, Resident of Village- Bhadeja, P.S.-
Gaya (M), District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sudama Singh, Adv. Mr. Surendra Kumar Mishra, Adv.
For the State	:	Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

5 17-07-2026 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor for the State.

2. At the very outset, Mr. Sudama Singh, learned
counsel, duly assisted by Mr. Surendra Kumar Mishra, learned
Advocate-on-Record for the petitioner, submits that though the
case is registered under Section 302 of the IPC read with
Section 149 of the IPC and other ancillary sections of the IPC



along with the Arms Act, wherein two persons alleged to have been killed by variously armed assailants as named in the FIR, no role, at all, has been attributed against the petitioner of actively participating in the crime except for being present at the spot, in terms of the allegation as alleged in the FIR.

3. However, learned counsel for the petitioner, after some arguments, seeks permission to withdraw this application, but with some liberty.

4. The learned counsel appearing for the State, Md. Nazir Ansari, fairly states that this is a case of double murder where two persons have been killed at the spot by the assailants, who forcibly entered into the house of the victim and committed the heinous crime.

5. Without going into the merits of the case and without appreciating the evidence on record, in view of the prayer so made on behalf of the petitioner, the permission is accorded to the learned counsel for the petitioner to withdraw this application with a liberty to raise all the issues including the issue with respect to petitioner not actively participating in the crime before the appropriate Court at an appropriate stage.

6. If the petitioner prefers any application at an appropriate stage, the learned Trial Court, where the matter is



pending, shall consider and dispose of the same in accordance with law after meticulously examining the evidence against the petitioner and the grounds so taken by him in support of his defence, without being prejudiced by the present order as this Court has not expressed any opinion on the merit of the case.

7. With the aforesaid liberty, the application stands dismissed as withdrawn.

(Rana Vikram Singh, J)

Praveen-II/-

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