

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71293 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- MAHUA District- Vaishali

Amlash Kumar, Son of Kailash Singh R/O Village - Fatehpur Pakari @
Fatehpur Pakri, P.S.- Mahua, District – Vaishali Petitioner
Versus
The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 25-10-2024 At the outset, learned counsel for the petitioner submits that this is an application seeking regular bail by the petitioner who is in judicial custody since 05.06.2023. He has been made accused in Mahua P.S. Case No. 545 of 2022 dated 24.08.2022 registered under Sections 341, 342, 323, 363, 364, 498(A), 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act but he has been chargesheeted under Sections 341, 342, 323, 498(A), 364, 120(B), 302, 504 and 506 of the Indian Penal Code.

2. It is pointed out that earlier the predecessor Court had passed an order on 09.11.2023 and being aggrieved by the said order, the petitioner has filed a special leave petition being Special Leave Petition (Criminal) Diary No(s). 9701 of 2024 in the Hon'ble Supreme Court of India. In the said case, the Hon'ble Supreme Court has stayed the impugned order dated 09.11.2023. It is his submission that the order dated 09.11.2023 is altogether on a different issue and the pendency of the SLP in the Hon'ble Supreme Court as against the said order would not have any impact on the



hearing of the bail petition on its own merit, therefore, he would request this Court to hear the bail petition of the petitioner on its own merit.

3. On record, the case diary of the present case has been received, however, learned APP who has been assigned the brief is not present. In such circumstance, this Court has requested Mr. Fahimuddin, learned APP, who is present in the Court, to take out the case diary from the records, go through the same and assist this Court on the next date.

4. List this matter on 22nd November, 2024 under the same heading maintaining its position.

5. In the meantime, learned counsel for the petitioner is expected to apprise his submissions to the Hon'ble Supreme Court where the matter is pending against the order dated 09.11.2023.

I.A. No. 1 of 2024

6. Learned counsel submits that in view of the today's submission, he would not press the I.A. No. 1 of 2024 which he had filed for grant of privilege of provisional bail.

7. Accordingly, he is permitted to withdraw the same.

8. I.A. No. 1 of 2024 stands disposed of.

(Rajeev Ranjan Prasad, J)

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