

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5618 of 2013

Arising Out of PS.Case No. -98 Year- 2012 Thana -SAHARSA District- -

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Arun Kumar Singh S/O Tarni Prasad Singh, R/O Village - Pachout, P.S. -
Beldopur, Distt. - Khagaria

.... Petitioner/s

Versus

1. State of Bihar
2. Jyoti Kumar Singh S/O Rewati Raman Singh R/O Bhagwtpur, P.S –
Mahishi, Distt. - Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party No.1: Mr. Atul Chandra, APP

For the Opposite Party No.2: None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 02-07-2015 Heard learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State. However, none appears on behalf of the opposite party no.2 though he has entered appearance through his counsel in view of the order dated 15.07.2013, whose name is also printed in the daily cause list.

Learned counsel appearing on behalf of the petitioner while assailing the order dated 23.11.2012 passed in G.R. No. 307 of 2012 by the learned C.J.M., Saharsa taking cognizance for the offences under Sections 406, 420 and 120B of the Indian Penal Code, has raised primarily the issues of facts, which cannot be considered by this Court at this stage and the same can be looked into and considered by the learned trial court only on the basis of the evidence produced by the parties.

In above view of the matter, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present application with a liberty to raise all the issues, which have

been raised in the present application, at an appropriate stage before the learned trial court.

Permission is accorded.

The present application stands disposed of as withdrawn with the liberty aforesaid.

Interim order of stay passed on 15.07.2013 by a Bench of this Court stands vacated.

(Birendra Prasad Verma, J)

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