

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46350 of 2012

Arising Out of P. S. Case No. -156 Year- 2009 Thana -null District- SEKHPURA

- =====
1. Veena Devi, wife of Lakhan Yadav
 2. Bimli Devi, Wife of Bijay Prasad Yadav
 3. Bijay Prasad Yadav, Son of Sukhdeo Prasad Yadav
 4. Sukhdeo Prasad Yadav, son of Mahendra Pd. Yadav.
- All are residing at Narari, Balba, P.S.-Tharthari, District-Nalanda.

.... Petitioners

Versus

1. The State of Bihar
2. Lakhan Yadav, son of Late Shankar Yadav, residing at village-Faijabad (Bighapar), P.S.-Bar Bigha, District-Sheikhpura.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party No.2 : Mr. S. Rizwanul Haque, Advocate

For the State : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-06-2015

In the present application filed under Section 482 of the Code of Criminal Procedure, the petitioners have challenged the summoning order dated 08.08.2011 passed by the learned S.D.J.M., Sheikhpura in Complaint Case No. 156(C) of 2009.

At the outset, learned counsel for the opposite party no. 2 has pointed out that the charges were framed on 25.05.2011 against the petitioners and the evidence has been closed on 28th February, 2014. Thereafter, the matter is pending for recording the

statement of the petitioners under Section 313 of the Code of Criminal Procedure.

The present application has been filed on 11.01.2012 i.e. after the date on which the charges were framed. The petitioners have not brought this fact to the notice of the court in the present application and have sought for quashing of the order taking cognizance.

The application is not only misconceived but misleading too. Accordingly, it is dismissed.

At this stage, learned counsel for the petitioners seeks leave to withdraw this application.

The prayer is refused.

(Ashwani Kumar Singh, J.)

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