

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35337 of 2015

In
Criminal Miscellaneous No.9896 of 2013

=====

Md. Naimuddin Son of Abdul Rajak Mian, resident of village - Dhakmen,
P.S. Praiya, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Block Development Officer, Paraiya, Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr. Raj Ballabh Singh (APP)

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-12-2015

Heard the parties.

The present application has been filed for restoration of Cr. Misc. No. 9896 of 2013, which stood dismissed for want of prosecution by order dated 16.07.2015.

The aforesaid Cr. Misc. No. 9896 of 2013 was filed on behalf of the petitioner for quashing the FIR of Praiaya P.S. Case No. 95 of 2012 dated 24.11.2012 registered under Section 406/34 of the Indian Penal Code.

Taking into consideration the nature of allegation as disclosed in the FIR, which has been brought on the record as Annexure-4 to the aforesaid Cr. Misc. No. 9896 of 2013, the present application is disposed of with a liberty to the petitioner to file a fresh quashing petition under Section 482 Cr. P. C. if cognizance is taken against him after submission of charge sheet in the aforesaid criminal case.

If such a petition is filed on behalf of the petitioner, then the same shall be decided on its own merit without being

prejudiced by dismissal of Cr. Misc. No. 9896 of 2013 by order dated 16.07.2015.

The application stands disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

BTiwary/-

U		T	
---	--	---	--