

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44457 of 2012

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1. Pramod Kumar Shrivastava s/o Ram Narayan Prasad, resident of Village- Duho-Suho, P.S.- Chhauradano, District- East Champaran

2. Dhiraj Kumar Shrivastava @ Lal Saheb s/o Jawala Prasad Shrivastava, resident of Village- Duho-Suho, P.S.- Chhauradano, District- East Champaran

3. Ojaira Khatoon @ Khairun Nesha w/o Israfil Mian, resident of Village- Duho-Suho, P.S.- Chhauradano, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

2. Most. Mairun Nesha @ Mahjidia Khatoon w/o Late S.K. Sattar, resident of Village- Duho-Suho, P.S.- Chhauradano, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate

For the Opposite Party no.1 : Mr. Sanjay Kr.Tiwary-1, APP

For the Opposite Party no.2 : Mr.Sharda Nand Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-05-2015

Heard the parties.

The petitioners have filed the present application for quashing the order dated 03.10.2012 passed in Cr.Revision No. 237 of 2012 by the learned Sessions Judge, East Champaran, Motihari whereby challenge to the order dated 02.08.2012 passed by learned Sub Divisional Judicial Magistrate, Raxaul at Motihari in Chhauradano P.S.Case No. 68 of 2009 taking cognizance for offences under Sections 341,323,376 and 120B/34 of the Indian Penal Code was negatived.

At the very threshold, learned counsel appearing on behalf of the opposite party no.2, the complainant, submitted that now the trial of the petitioners has already commenced and two prosecution witnesses have already been examined, but few more witnesses are yet to be examined.

In view of the aforesaid developments, the present application has become infructuous and it is, accordingly, dismissed.

However, the petitioners shall be at liberty to raise all the issues which have been raised in the present application during the course of trial.

(Birendra Prasad Verma, J)

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