

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4039 of 2015

Arising Out of PS.Case No. -1162 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Ravi Shankar @ Ravi Shankar Manjhi, son of Ram Dahin Manjhi, resident of Village-Barwan, P.S.-Ander, District-Siwan at presently residing at Shastri Nagar, Patna High Court Quarter, P.S.-Shastri Nagar, District-Patna.
 2. Daya Shankar, son of Ram Dahin Manhi, resident of village-Barwan, P.S.-Ander, District-Siwan at presently residing at C-21, DRDO Colony, CIDCO, P.S.-Ambad, Nasik, Maharashtra-422 009.

.... Petitioners

Versus

1. The State of Bihar
2. Bibha Kumari, wife of Ravi Shankar, resident of Village-Barwan, P.S.-Ander, District-Siwan at presently residing at daughter of Surya Deo Prasad, Village-Bari Yausufpur, P.S.-Industrial Area, District-Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate
Mr. Amit Prakash, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 21-12-2015

At the outset, it has been brought to the notice of the Court that the case was initially filed challenging the order by which the petitioners were summoned to face trial in Complaint Case No. 1162 of 2013. However, during pendency of the application, the stage changed and the petitioners filed an application before the court below under Section 245 of the Code of Criminal Procedure seeking their discharge from the case. The said application has been rejected by the jurisdictional

Magistrate vide order dated 23.07.2015.

It has further been pointed out that an interlocutory application has been filed in the present application seeking amendment in prayer to the effect that the subsequent order dated 23.07.2015 rejecting the application of the petitioners under Section 245 of the Code of Criminal Procedure be also quashed.

When it was pointed out to the counsel for the petitioners that the subsequent order ought to have been challenged by filing a separate application and not by filing an interlocutory application then, Smt. Soni Shrivastava, learned counsel for the petitioners sought for leave to withdraw the present application in order to file another appropriate application before this Court challenging the order dated 23.07.2015.

Leave is granted.

The application is disposed of as withdrawn.

(Ashwani Kumar Singh, J.)

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