

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29852 of 2012

Arising Out of P.S. Case No. -431 Year- 2011 Thana -null District- DARBHANGA

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1. Arun Kumar Jha S/O Late Nageshwar Jha
2. Vishwa Mohan Jha, S/o Late Hare Kant Jha
3. Satyam Kumar Jha, S/o Ganesh Chandra Jha.
All are R/O Village- North Kasraur, P.S- Ghanshayampur, District- Darbhanga
.... Petitioners

Versus

1. The State of Bihar
2. Vinod Chaupal S/O Uchit Chaupal R/O Village- North Kasraur, P.S- Ghanshayampur, District- Darbhanga
.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate
For the Opposite Party/s : Mr. B. N. Pandey, Addl. P. P.
For the O.P. No.2 : Mr. Prafull Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 27-03-2015

Heard learned counsel for the parties.

2. The petitioners have initially filed this application against the order taking cognizance under Section 395 of the Indian Penal Code and Section 27 of the Arms Act passed by Judicial Magistrate, 1st Class, Biraul at Benipur in Complaint Case No. 431 of 2011.

3. During the pendency of this application, charges have also been framed against the petitioners. The petitioners have challenged the order framing charge by way of filing an Interlocutory application, bearing I.A. No. 2448 of 2014.

4. It appears that on 13.11.2014, while hearing the

application challenging the order taking cognizance, this Court issued notice to the opposite party no.2 and stayed the further proceedings in the Court below.

5. It further appears that before passing of the order dated 13.11.2014, charges were also framed, which fact was not to the notice of the learned counsel.

6. In my view, as the charges were framed prior to passing of order, dated 13.11.2014, this application is permitted to be withdrawn with liberty to the petitioners to challenge the order framing of charge.

7. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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