

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3164 of 2016**

Arising Out of PS.Case No. -23 Year- 2005 Thana -MOHIUDDIN NAGAR District-  
SAMASTIPUR

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Dharnidhar Sah Son of Late Ram Rup Sah, Resident of Village-  
Mahamodpur, P.S. Mohiuddin Nagar, District- Samastipur.

.... .... Petitioner

Versus

1. The State of Bihar
2. Pappu Kumar, Son of Raj Kumar Sah, Resident of Village- Mahmodpur, PS- Mohiuddin Nagar, District- Samastipur.
3. Pramod Kumar Son of Raj Kumar Sah, Resident of Village- Mohamadpur, PS. Mohiuddin Nagar, District- Samastipur.
4. Birendra Rai Son of Kapleshwar Rai Resident of Village Dashara, P.S. Patory, District Samastipur.
5. Raghunath Sah Son of Baldeo Sah
6. Dharmnath Sah Son of Baldeo Sah
7. Maheshwar Sah Son of Kirani Sah Opp Party No. 5, 6 and 7 are resident of Village- Mohamadpur, PS. Mohiuddin Nagar, District- Samastipur.
8. Surendra Sah, son of Lakhi Sah, Resident of Mohamadpur, PS. Mohiuddin Nagar, District- Samastipur.
9. Pradeep Chaudhary, Son of Resident of- Mohiuddin Nagar, PS. Mohiuddin Nagar, District- Samastipur.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Deepak Kumar Singh, Advocate.  
For the Opposite Parties : Mr. B.N.Panday(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      12-08-2016      Heard both sides.

The petitioner has filed this petition for quashing the order dated 09.10.2015, by which the learned Additional Sessions Judge, Samastipur rejected the petition filed by the petitioner under Section 319 Cr.P.C., stating that the same petition is not filed through Additional Public Prosecutor.

Learned counsel for the petitioner seeks permission to

withdraw this quashing petition with liberty to present the petition under Section 319 Cr.P.C. in proper manner before the court below.

Accordingly, the quashing petition is dismissed as withdrawn with liberty to the petitioner to file a petition under Section 319 Cr.P.C., before the learned Additional Sessions Judge, Samastipur, through the State counsel on behalf of the prosecution.

**(Prabhat Kumar Jha, J.)**

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