

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33983 of 2013

Arising Out of PS.Case No. -2 Year- 2010 Thana -BIRAUL District- DARBHANGA

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1. Rafique Raiyan S/O Gulzar Raiyan Resident Of Village- Balha, P.S-
Biroul, Distt- Darbhanga.

.... Petitioner/s

Versus

1. The State Of Bihar Null Null
2. Purushotam Kumar Chaudhary S/O Bipin Kumar Chaudhary R/O
Pokhram,P.S- Biraul, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Abdus Shakoor

For the Opposite Party/s : Mr. Manoj Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-01-2017 Heard learned counsel for the petitioner.

The petitioner has challenged order dated 21.05.2013 passed by the Additional Sessions Judge, Benipur (Darbhanga) in Criminal Revision No.83 of 2012, by which the learned Additional Sessions Judge has dismissed the Criminal Revision filed by the petitioner against order 29.06.2012 passed by the S.D.O., Benipur in Case No.02 of 2010, whereby the learned S.D.O., Benipur has attached the property under Section 146 of the Cr.P.C. and appointed the Police Officer as the Receiver.

It is submitted on behalf of the petitioner that as the Title Suit was going on between the parties, the order is not



sustainable in the eye of law.

Heard learned counsel for Opposite Party No.2.

After some argument, the learned counsel for the petitioner seeks permission to withdraw this application to raise all these points before the S.D.O., Benipur, before him the proceeding under Section 146 Cr.P.C. is pending.

Learned Counsel for the Opposite Party No.2 has no objection.

In view of the facts as stated above, this application is dismissed as withdrawn with liberty to the petitioner to raise all these points before the court below.

(Vinod Kumar Sinha, J)

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