

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48692 of 2015

Arising Out of PS.Case No. -745 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Kamta Prasad, son of Late Ramotar Mahto, resident of Village- Kheman Bigha, Police Station- Noorsarai, District- Nalanda.
 2. Ajay Kumar, son of Late Saryug Mahto, resident of Village- Sirnawan, Police Station- Bena, District- Nalanda.
 3. Shashi Bhushan Kumar, son of Kamta Prasad, resident of Village- Kheman Bigha, Police Station- Noorsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Balmiki Prasad, son of Late Mushari Mahto, resident of Village- Biyabani, Police Station- Deepnagar, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-05-2017

Heard learned counsel for the petitioners and
the learned counsel for the State.

The present application has been filed for
quashing the order dated 25.07.2015 passed by learned Judicial
Magistrate, Ist Class, Nalanda at Biharsharif in Complaint Case
No. 745(C) of 2015 whereby process has been directed to be
issued after cognizance being taken for the offences punishable
under Sections 341, 323, 504 and 379/34 of the Indian Penal
Code.

Learned counsel for the petitioners very fairly



submits that the evidence is going on at pre-charge level under Section 244 Cr.P.C.

In view of the changed stage of the trial, the present application has become infructuous and accordingly, it is disposed of with liberty to the petitioners to raise all the contentions at the time of framing of charge, if the charge has not been framed as yet.

(Dinesh Kumar Singh, J)

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