

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47565 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

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1. Brahmdeo Lal Das Son Of Late Umapati Lal Das
 2. Shivdeo Lal Das Son Of Late Rudra Narain Lal
 3. Kamini Devi Wife Of Brahmdeo Lal Das
 4. Pintu Son Of Shivdeo Lal Das

All are resident of Village - Daria, P.S. - Keoti, District - Darbhanga

.... Petitioners

Versus

1. The State Of Bihar
2. Binay Kumar Son Of Yogendra Lal Das, resident Of Village - Daria, P.S. - Keoti, District - Darbhanga

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Ravi Ranjan, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For Opposite Party No. 2 : Mr. Pankaj Kumar Sinha, Advocate
Mr. Kamal Kishore Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 29.05.2012 passed by the learned Chief Judicial Magistrate, Darbhanga in Complaint Case No. 2298 of 2011 by which summons have been issued against the petitioners for facing trial for the offences punishable under Sections 420, 467, 468, 504 and 120-B of the Indian Penal Code.

2 It is submitted by the learned counsel for opposite party no. 2 that on the last occasion, on the submission made by the complainant, a report was called for from the court of learned



Judicial Magistrate- 1st Class, Darbhanga regarding the stage of complaint case, vide order dated 10.07.2017. He has submitted that pursuant to the said order, the learned Judicial Magistrate-1st Class, Darbhanga has submitted his report on 21.07.2017 stating therein that in the said case, charges have already been framed and when the witnesses were being examined on 16.12.2016, the accused persons failed to appear as a result of which their bail bonds have been cancelled and the case is pending for their appearance.

3. It is further submitted by the learned counsel for the opposite party no. 2 that the present application was filed on 13.11.2013 challenging the summoning order dated 29.05.2012 whereas the charges had already been framed even before filing of this application before this Court on 24.10.2013.

4. Having realized the aforesaid factual position, learned counsel for the petitioners has sought for leave to withdraw the present application.

5. Leave is granted.

6. The application is disposed of.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.08.2017
Transmission Date	10.08.2017

