

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20902 of 2014

Arising Out of PS.Case No. -2748 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Arvind Kumar Pathak, aged about 50 years S/o Late Ramswarup Pathak R/o Amba, P.O. Amba, P.S. Bhagwanpur, District Begusarai, at present Manager, Sethani Dharamsala, near Sabji Bazar, Begusarai, P.S. Town, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Raj Kumar Sah S/o Sri Jai Prakash Sah R/o Mungeriganj, Begusarai, P.S. Begusarai Town, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Sinha Mr. Arvind Kumar Sharma, Mr. Chetan Kumar, Advocates
For the Opposite Party/s	:	Mr. Amit Kr.Rakesh (APP)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-06-2017 Heard learned counsel for the petitioner and the State.

The petitioner has prayed for quashing of the order dated 27.03.2012 passed by Sri R.R.Sahay, Judicial Magistrate 1st Class, Begusarai in Complaint Case No. 274 C/2011 whereby the learned Magistrate after taking cognizance under Sections 323, 341, 384 and 504 of the Indian Penal Code, issued processes against the petitioner.

The petitioner had earlier filed Cr. Misc. No. 23642/2012. However, the said petition was dismissed in default for want of prosecution. The application for restoration of the



same was disposed of with liberty to the petitioner to file fresh petition for quashing of the order dated 27.3.2012.

Since the subject-matter of the application is the order dated 27.3.2012 passed more than five years back, ends of justice requires that the petitioner may approach the court below by filing appropriate petition for discharge.

Accordingly, this application is disposed of with liberty to the petitioner to file a petition for discharge within a period of one month from today.

It goes without saying that the Court below will consider the application filed by the petitioner for discharge objectively and dispose of the same by a reasoned order addressing all the issues raised in such application within a further period of two months from the date of filing of such application.

(Anil Kumar Upadhyay, J)

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