

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20419 of 2014

Arising Out of PS.Case No. -5 Year- 2011 Thana -BAHERA District- DARBHANGA

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1. Laltuna Jha son of Late Harinandan Jha.
2. Ramashish Jha son of Late Lambodar Jha.
3. Chunchun Jha son of Ramashish Jha.
4. Munchun Jha son of Ramashish Jha.
5. Upendra Jha son of Late Suryanarayan Jha.
6. Shatrughan Jha son of Late Suryanarayan Jha. All are resident of village - Pohaddi, Police Station - Bahera, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Mishra son of Ganga Mishra All are resident of village - Pohaddi, Police Station - Bahera, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Opposite Party/s : Mr. Jharkhandi Upadhyay (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 21-06-2017 Heard learned counsel for the petitioners and Sri. Jharkhandi Upadhyay, learned counsel for the State.

The petitioners have approached this Court for quashing the order dated 25.09.2011/26.09.2011 passed by the learned Additional Chief Judicial Magistrate, Benipur at Darbhanga whereby and whereunder the learned Magistrate took cognizance against the petitioners.

On behalf of the petitioners it is submitted that there is un-explained delay of 20 days.

Counsel for the State opposing the prayer for quashing



of the order dated 25.09.2011/26.09.2011 submits that if an appropriate petition is filed before the court below for discharge, after going through the entire record, the court below may pass appropriate order at appropriate stage for discharge of the petitioner in the present proceeding.

In view of the aforesaid submission of the learned counsel for State, counsel for the petitioner seeks permission to withdraw this application with liberty to file an application for discharge before the court below at appropriate stage of trial.

Permission is granted to withdraw the application with the aforesaid liberty.

(Anil Kumar Upadhyay, J)

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