

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36789 of 2014

Arising Out of PS.Case No. -123 Year- 2010 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Nagendra Prasad Yadav Son of Shri Gorakh Prasad Yadav Resident of village-
Majhauriya, P.S.- Pakridayal, District- East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar
2. Harendra Rai son of Surendra Rai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate

For the Opposite Party/s : Mr. H.A. Khan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 13-09-2017

Counter affidavit filed today on behalf of the Opposite
Party no. 2, be kept on record.

The present application has been filed for quashing of the
order taking cognizance dated 24.07.2013 passed by the Sub-
Divisional Judicial Magistrate, Motihari in Pakridayal P.S. Case No.
123 of 2010, corresponding to T.R. No. 2516 of 2014 for the offences
under Sections 193 and 199 of the Indian Penal Code and Sections
25(1-b)a and 26 of the Arms Act.

From the counter affidavit it appears that a compromise
petition as well as a permission petition have been filed on 16.06.2017
i.e., subsequent to filing of the instant quashing application, by the
witnesses in Tr. No. 2718 of 2012 arising out of Pakridayal P.S. Case



No. 123 of 2010. It further appears that all the witnesses have consistently deposed as hostile in the said trial.

In view of both the aforesaid developments subsequent to filing of the instant quashing application, no further order needs to be passed in the instant case.

The quashing application is dismissed as infructuous.

However, in view of the said compromise and depositions of the witnesses, the Court below shall proceed expeditiously in accordance with law to take the matter to its logical conclusion.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	19.09.2017
Transmission Date	19.09.2017

