

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39474 of 2014

Arising Out of PS.Case No. -1647 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

- =====
1. Md. Saifullah Son of Late Md. Hanif
 2. Md. Anwar Son of Late Md. Hanif
 3. Md. Kalam Son of Late Md. Saifullah
 4. Md. Safessal @ Md. Shah Faisal Son of Late Md. Saifullah
 5. Md. Tufani @ Md. Babloo Son of Md. Anwar All resident of Village -
Satmalpur, P.S. - Warisnagar, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pradeep Paswan Son of Rajendra Paswan Resident of Village -
Satmalpur, P.S. - Warisnagar, District - Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen

For the Opposite Party/s : Mr. Ram Shankar Das(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 02-11-2017 This Criminal Miscellaneous has been filed for quashing the order dated 31.03.2014 passed by the learned Sessions Judge, Samastipur in Cr. Revision No. 1168 of 2014, whereby the revision application was allowed filed by the opposite party no.2 and the matter was remitted back to the court below to pass order afresh and thereafter the learned court below issued summons against the accused persons under sections 147, 447, 341, 323, 504, 435 and 149 of the I.P.C. as well as section 3 (i) (x) of the SC/ST (Prevention of Atrocities) Act.

Heard the learned counsel for the petitioners and



the learned counsel for the opposite party no.2.

On behalf of the opposite party no.2 it is pointed out that stage of the case has been changed, charges have already been framed and the trial is going on, the record is fixed for prosecution evidence which is evident from I.A. No. 1926 of 2017 filed by the petitioners themselves. In the Criminal Miscellaneous application amendment cannot be allowed and as such this Criminal Miscellaneous has become infructuous.

On behalf of the petitioners no petition for discharge has been filed. The learned counsel for the petitioners is not in a position to controvert the same.

Under the circumstances, this Criminal Miscellaneous has become infructuous and accordingly the same is hereby dismissed.

(Jitendra Mohan Sharma, J)

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