

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53899 of 2013

Arising Out of PS.Case No. -234 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Subash Tiwari S/O Late Chandradeo Tiwari Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.
 2. Ram Lakhan Tiwari @ Lakhan Tiwari S/O Late Chandradeo Tiwari Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.
 3. Gorakh Tiwari S/O Late Chandradeo Tiwari Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.
 4. Wakil Tiwari S/O Late Chandradeo Tiwari Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.
 5. Harikesh Tiwari S/O Late Suresh Tiwari Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.
 6. Anand Nath Tiwari @ Anand Tiwari S/O Kripashankar Tiwari Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.
 7. Brijesh Tiwari S/O Kripashankar Tiwari Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Niraj Kumar Pandey @ Niraj Pandey S/O Brij Mohan Pandey Resident Of Village Shivrajpur, Police Station Bhorey, District Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Ashok Kr. Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-06-2017 Heard learned counsel for the petitioners and learned

APP for the State, as also learned counsel, appearing for the

opposite party No. 2.

It has been submitted on behalf of opposite party No. 2

that stay has been granted in this case to the petitioner on the

ground that the petitioner No. 1 has also filed complaint case

bearing Complaint Case No. 275 of 2013 against the complainant



of this case and others in which, processes have already been issued against the complainant (opposite party No. 2) for the offence under Sections-147, 323, 380, 504 of the Indian Penal Code.

Counsel for opposite party No. 2 has submitted that the petitioner No. 1 filed Complaint Case No. 275 of 2013 on 05-01-2013, whereas; the instant case has been filed by the complainant against the petitioner No. 1 and others on 05-02-2013. The opposite party No. 2 has further submitted that the trial in the instant case is in advance stage and witnesses have also been examined in the court below.

In such circumstances, this court is of the view that when trial has already entered into advance stage and witnesses have also been examined, this court does not find it justified to interfere in the impugned order of taking cognizance dated 27-11-2013 passed in Complaint Case No. 234 of 2013.

Accordingly, this quashing petition is dismissed.

The learned trial court is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

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