

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10135 of 2015

Arising Out of PS. Case No.-2902 Year-2009 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Poonam Devi wife of Bhushan Bhagat
2. Devi Kuar wife of Late Birendra Bhagat Both are resident of
Village - Pir Maker, P.S. - Maker, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Punam Devi wife of Suresh Bhagat daughter of Ram Chandra Bhagat resident
of Village Maker Sitla Mai Tola, P.S. Maker, District - Saran at Chapra, at
present resident of Village - Barbatta, P.S. - Sonepur, District - Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dipak Kumar, Advocate
For the State	:	Dr. Rabindra Kumar APP
For the Opposite party	:	Mr. Ravi Bhushan Pd. Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 23-04-2018

Learned counsel for the petitioners and the complainant-
opposite party no.2 are present.

Learned counsel for the petitioners has submitted that
petitioner no.2, namely, Devi Kuar has died. Learned counsel
for the complainant has submitted that he has also knowledge
that petitioner no.2 has died.

A report regarding stage of the trial along with entire up-
to-date order sheet was called for from the Court below which
has been received, wherein, it is mentioned that proceeding
against petitioner Devi Kuar has been dropped on the strength of
the photo copy of the death certificate.



Accordingly, the petition with regard to petitioner no.2, namely, Devi Kuar is dismissed as having become infructuous.

This application has been filed for quashing the order dated 20.02.2013 passed by the Judicial Magistrate, 1st Class, Chapra in complaint case no. 2902 of 2009 by which the petition filed on behalf of the petitioners for discharge under Section 245(i) of the Cr. P.C. was dismissed. The aforesaid order of the learned Magistrate was upheld by the learned Additional Sessions Judge-VIII, Saran, Chapra in Cr. Revision no. 164 of 2013 vide order dated 1.11.2014.

It is mentioned in the report of the learned Court below that the bail bond of the petitioner no.1, namely Poonam Devi has been cancelled by the Court below and the case is still pending for appearance of accused- petitioner no.1. From perusal of the Xerox copy of the order sheets sent along with the report it appears that the bail bond of the petitioner Poonam Devi was cancelled on 10.1.18 as she did not appear in the Court and thereafter the case is pending for appearance of the petitioner.

Learned counsel for the informant has submitted that no interference is required in the impugned order as petitioner no.1 has already filed revision application challenging the order of



the learned Magistrate which was rejected. This quashing application has been filed under the garb of second revision. The bail bond of the petitioner has already been cancelled and the case is still pending for her appearance. Learned counsel for the informant has further submitted that charge has also been framed in the court below against the petitioner on 17.8.15 and one witness has also been examined.

This Court after perusing the impugned order(s) dated 20.2.13 and 1.11.14 and also the Xerox copy of the entire up-to-date order sheets received from the learned Court below finds that charge has already been framed in this case against the petitioner no.1 and one witness has also been examined. Further, it appears that this case is pending for appearance of petitioner no.1. The bail bond of petitioner no.1 has been cancelled by order dated 10.1.18. The case is pending for her appearance. Therefore, this Court does not find any merit in this application. This Cr. Misc. petition is, accordingly, dismissed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	2.5.2018
Transmission Date	2.5.2018

