

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7070 of 2016

Arising Out of PS.Case No. -218 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District -
DARBHANGA

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1. Anil Kumar Choudhary Son of Late Pradeep Narayan Choudhary.
2. Meena Devi wife of Anil Kumar Choudhary.
3. Ritesh Kumar Son of Anil Kumar Choudhary.
4. Nilesh Kumar son of Anil Kumar Choudhary.
All are resident of Village Kathotia, Police Station Krityanand Nagar,
District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Archana @ Anita Devi wife of Kaushal Kumar Pandey, resident
of Mohalla Luxminagar 52 Bhiga, Police Station Sadar District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar
For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 26-10-2018

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

In spite of having been noticed, O.P. No.2 failed to
appear. Petitioners have challenged the order dated 13.01.2014
passed by Judicial Magistrate, 1st Class, Darbhanga in
Complaint Case No.218/2013 whereby and whereunder
petitioners have been directed to face trial for an offence
punishable under Section 406, 420 of the IPC. The learned
counsel for the petitioners is fair in submitting that the
evidence before charge is going on. That being so, now a fresh
material has come before the court on the basis of which, plea
of the petitioner would be subject to consideration in terms of
Section 245 of the Cr.P.C. or 246 of the Cr.P.C.



In the change circumstance, instant petition has become infructuous and is accordingly dismissed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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