

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17208 of 2016

Arising Out of PS.Case No. -97 Year- 2014 Thana -PURNEA SADAR District- PURNIA

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1. Bishwanath Mishra son of Late Ramdhari Mishra
2. Jeevan Mishra son of Late Ramdhari Mishra
3. Rajesh Kumar Mishra @ Rajesh Mishra son of Late Rajendra Mishra
All are residents of Khushkibagh, P.S.-Sadar, District- Purnea

.... Petitioner/s

Versus

1.State of Bihar
2. Most. Firoja Khatoon wife of Late Md. Shamim, resident of Purnia City, P.S.-
Sadar, District- Purnia

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Bhagat, Advocate
For the State : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-08-2018

It is submitted by the learned counsel for the petitioners that during the pendency of the instant application preferred under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') against the order dated 21.01.2016 passed by the learned Chief Judicial Magistrate, Purnia in Sadar P.S. Case No.97 of 2014 whereby the application filed by the petitioners dated 18.12.2015 under Section 239 of the Cr.P.C. seeking discharge was rejected, charges have already been framed and some of the witnesses have also been examined.

2. In view of the fact that not only charges have already been framed but certain witnesses have also been examined, it would



not be proper for this Court to interdict the case at this stage or to interfere with the order impugned, as it is settled position in law that once the trial has commenced it has to end either in acquittal or conviction.

3. Accordingly, the application is disposed of.

4. The petitioners would be at liberty to take all the points available to them after the evidences on behalf of the parties are closed at the stage of argument.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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