

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6258 of 2017

Arising Out of PS.Case No. -48 Year- 2012 Thana -RAHIKA District- MADHUBANI

=====

1. Ugratara Devi W/o Shashi Deo Jha
2. Shashi Deo Jha S/o Late Govind Shashtri All residents of Village - Sima,
Police Station - Rahika, District - Madhubani.

.... Petitioners

Versus

1. The State of Bihar.
2. Punam Jha D/o Sri Siddinath Jha, W/o Sanjay Kumar Jha resident of
Village - Sima, P.S. - Rahika, District - Madhubani at present residing at
Village - Chakdah, P.S. - Rajnagar, District - Madhubani.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Shyameshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 12-10-2018

Re.: I.A. No. 2732/2018

It appears that during pendency of this application petitioner no. 2, who happened to be the father-in-law of Opposite Party No. 2, has died. I.A. No. 2732/2018 has been filed bringing this information on record with a prayer to expunge the name of petitioner no. 2.

I.A. No. 2732/2018 is allowed. Let the name of petitioner no. 2 be expunged.

Re.: Cr. Misc. No. 6258/2017

Petitioner no. 1 is said to be mother-in-law of opposite party no. 2, who is facing prosecution for the offences under Sections 323, 341, 498A, 504/34 of the



Indian Penal Code.

In course of hearing of the application, it transpired that earlier the petitioner had filed an application seeking her discharge in the court below but the same was rejected and against the said rejection order the petitioner had moved before this court earlier in Cr. Misc. No. 16152/2016 which was rejected on 02.08.2016 by the learned coordinate Bench of this court. Thereafter, the charge has been framed against the petitioner and trial has begun.

In the given facts and circumstances where charge has already been framed that too after rejection of the Criminal Miscellaneous by this court, in the opinion of this court, the present application cannot be maintained. The petitioner will however be at liberty to raise all such pleas which are available to her in course of trial.

This application is disposed off.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

