

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54635 of 2018

Arising Out of PS.Case No. -1433 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Mukesh Kumar @ Mukesh Kumar Mishra, son of Nand Kishore Mishra, resident of village-Bhuskaul, P.O. & P.S.- Sadar, District – Darbhanga at present residing D-18 Barauni Thermal, (B.T.P.S.) Bash Road, Officer Club Barauni, District Begusarai.

.... Petitioner

Versus

1. State of Bihar.
2. Shruti Jha, Wife of Mukesh Kumar Mishra, Daughter of Basudeo Narayan Jha, Resident of Bharatpatti, P.S. & P.O. – Kalwahi, District – Madhubani at presently residing at Rajeev Nagar, Road No. 13, P.O. – Keshri Nagar, District Patna – 800024.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan

For the Opposite Party/s : Mr. Sri Satyavarat Verma

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 25-10-2018 Petitioner is the husband of opposite party no. 2. He is seeking quashing of the order taking cognizance dated 13.06.2016 passed in Complaint Case No. 1433 (C) of 2016 which is said to be pending in the court of learned Judicial Magistrate, 1st Class, Patna.

Learned counsel for the petitioner has though tried to argue the case on merit, however, finding the difficulties which he was facing in persuading this Court, learned counsel seeks permission to withdraw this application with liberty to raise all such pleas which are available to him at the time of framing of charge.



This Court has not gone into the merit of the allegations, however, considering the submission of learned counsel for the petitioner, it is made clear that in case after the evidence before charge is recorded by the learned court below and the petitioner files an application for discharge, the same shall be considered by the court below keeping in mind the materials which may come on the record in course of evidence before charge. The petitioner will be at liberty to raise all such pleas which will be available to him at such stage. On filing of the petition for discharge at that stage, the same will be considered and disposed off within a period of two months. The court below shall consider the application without being prejudiced by the order seeking withdrawal of this application.

.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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

