

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43749 of 2013

Arising Out of PS. Case No.-93 Year-2013 Thana- BARH District- Patna

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Anish Kumar S/O Surinder Prasad Resident Of Salempur, Gola Road, Barh,
District - Patna, P.S. Barh

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nikhil Poddar S/O Vinod Kumar Poddar, Proprietor Vinod Kumar & Brothers, 200 Jagnaghat Cross Road, South Kolkata

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh
For the Opposite Party/s	:	Mr. Sandeep Kumar & Mr. Abhishek Kr. Advocates.
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 05-04-2018

Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

Learned counsel for the informant has submitted that some
other accused persons of Barh P.S. case no. 93 of 2013 has
moved this Court under Section 482 Cr. P.C. vide Cr. Misc. no.
43763 of 2013, Cr. Misc. no. 34013 of 2014 and Cr. Misc. no.
44726 of 2013 and all these petitions were heard together and
by common judgement dated 21.04.2016 passed by this
Hon'ble Court the quashing application has been dismissed
holding that all the matters as mentioned in the written report
are disputed question of fact which cannot be adjudicated in the



quashing proceedings. The petitioners are given liberty to raise all the plea as has been taken in the present petition in their defence either at the stage of framing of charge or at the subsequent stage of trial. This petition may also be disposed of in terms of the direction passed by this Court earlier in the aforesaid judgment.

Accordingly, this Cr. Misc. petition is hereby dismissed with liberty to the petitioner to raise all the points as raised in this petition either at the time of framing of charge or at the subsequent stage of trial which shall be considered by the learned Court below in accordance with law.

The interim order passed by a co-ordinate Bench of this Court on 19.04.2017 stands vacated.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.4.2018
Transmission Date	10.4.2018

