

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42078 of 2014

Arising Out of P.S. Case No.-265 Year-2014 Thana- BEGUSARAI TOWN District-
Begusarai

Arvind Kumar Sinha @ Dr. Capt. Arvind Kumar Sinha, Son of Late
Bhuneshwar Prasad Sinha, Resident of Mohalla - Chitragupt Nagar, Police
Station – Begusari, District – Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amriki Devi, Wife of Dilip Paswan, resident of Mohalla- Pokhariya, Police
Station- Town, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Ram Chandra Sahni, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 28-01-2019

Heard learned counsel for the petitioner; learned A.P.P.

for the State and learned counsel for the Opposite Party No. 2.

2. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973, for the following relief;

*“That, this is an application
for quashing the order dated
02.07.2014 passed by the learned Chief
Judicial Magistrate, Begusarai in
Begusarai P.S. Case No. 265 of 2014
dated 23.04.2014 corresponding to
G.R. No. 1914, by which the learned
Court below has taken cognizance
against the petitioner and further be
pleased to transfer the case in the
Court of Additional Chief Judicial
Magistrate, Begusarai for trial.”*

3. At the very outset, learned counsel submitted that
though the petition has been filed against the order taking



cognizance but during the pendency of the application, charges have been explained to the petitioner and he has also filed a petition for discharge. It was submitted that in such view of the matter, the application may be disposed off with a direction to the Court below to consider the application for discharge and pass order.

4. Learned A.P.P. and learned counsel for the Opposite Party No. 2, do not oppose.

5. In view thereof, as prayed for by learned counsel for the petitioner, the application stands disposed off with liberty aforesaid.

6. If any application for discharge has been filed by the petitioner and the matter has not proceeded for trial, the same shall be considered and disposed off after hearing the parties, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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