

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49245 of 2014

Arising Out of P.S. Case No.-100 Year-2013 Thana- SARE District- Nalanda

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1. Mahmood Alam @ Muddu, Son of Late Manzoor Alam, Resident of Village - Jana, P.S. -Sare, District - Nalanda.
 2. Ajit Pandit.
 3. Gulchand Pandit.
- Both 2 and 3 are son of Ram Chandra Pandit. Petitioners No. 2 & 3 Resident of Village - Jana, Tola Zirain Par P.S.- Sare, District – Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mushtaque Ahmad, Son of Mokhtar Ahmad, Resident of Village - Jana, P.S. - Sare, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar and Mr. L. K. Sharma, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.
For the Opposite Party/s	:	Mr. Ajay Kumar Thakur, Mr. Amit Kumar, Mr. Ravi Ranjan and Mr. Pravin Kumar, Advocates

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

ORAL ORDER

6 09-04-2019 Heard learned counsel for the petitioners; learned A.P.P. for the State and learned counsel for the opposite party no. 2.

2. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 of the following relief:

“That this is an application for quashing the order taking cognizance dated 9.10.2014 passed by Sri Avinash Sharma, learned Judicial Magistrate 1st



Class, Biharsharif, Nalanda in Sare P.S. Case No. 100/13 for the offence under Sections 406, 419, 420, 423, 424, 467, 468, 471, 474/506 I.P.C.”

3. Learned counsel for the petitioners submitted that the order of cognizance has been challenged in the present application but later on charges have been framed and challenge to the same in Criminal Revision No. 477 of 2016 has been rejected on 25.05.2017 by the Additional Sessions Judge VIIIth, Nalanda. Learned counsel submitted that for impugning the same, Interlocutory Application No. 1 of 2019 has been filed seeking amendment in the present application. However, after some arguments, learned counsel submitted that he may be permitted to withdraw the application to independently assail the order dated 25.05.2017.

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 In view thereof, as prayed for by learned counsel for the petitioners the application stands disposed off as withdrawn with liberty aforesaid.

(Ahsanuddin Amanullah, J.)

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