

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28140 of 2016

Arising Out of P.S. Case No.-01 Year-2016 Thana- SAKATPUR District- Darbhanga

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Dhrub Kumar Chaudhary, Son of Sushil Chaudhary, resident of Village-
Lagma, Police Station- Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Advocate Mr. Kripa Nand Jha, Advocate
For the State	:	Mr. Arif, A.P.P.
For the Opposite Party No. 2	:	Mr. Lalit Narayan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-01-2019

Heard Mr. D. K. Sinha, learned senior counsel along with Mr. Kripa Nand Jha, 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 18.04.2016 taking cognizance against the petitioner in Sakatpur P.S. Case No. 01 of 2016 dated 02.01.2016, corresponding to G.R. No. 46/2016 whereby and whereunder the learned Additional Chief Judicial Magistrate, Darbhanga has taken cognizance against the petitioner for an offence under Sections 302, 120(B) and 34 of the Indian Penal Code.”



3. After some arguments, learned counsel for the petitioner submitted that as the case was proceeding, he had filed a petition for discharge before the Court below and the same was rejected and the said order has been impugned in Cr. Misc. No. 40698 of 2017, filed by the petitioner. He submitted that in such background, the petitioner may be permitted to withdraw the application with liberty to raise all points available to him, including that in the present application, at the time of hearing of Cr. Misc. No. 40698 of 2017.

4. Learned A.P.P. does not oppose such prayer.

5. In view thereof, the application stands disposed off as withdrawn with liberty aforesaid.

6. It goes without saying that all points available to the petitioner, including that taken in the present application shall be available to the petitioner at the time of hearing of Cr. Misc. No. 40698 of 2017, which shall be heard on its own merit, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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