

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.39986 of 2019**

Arising Out of PS. Case No.-2117 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

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1. Ram Chandra Sah, aged about 55 years, Gender-Male, S/o Late Laxman Sah.
  2. Ganesh Sah @ Ganesh Kumar Sah, aged about 40 years, Gender-Male,
  3. Ramashish Sah, aged about 42 years, Gender-Male,  
Both S/o Late Ram Swaroop Sah.  
All R/o village- Harishankarpur Baghauni, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Devi, aged about 38 years, Gender-Female, W/o Ram Nath Sah, R/o village- Harishankarpur Baghauni, P.S.- Tajpur, District- Samastipur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL ORDER**

2      04-07-2019                      The petitioners seek quashing of the order dated 02.08.2018 passed by the learned 3<sup>rd</sup> Additional Chief Judicial Magistrate, Samastipur in connection with Complaint Case CR No. 2117 of 2017, whereby cognizance has been taken against them under Sections 323, 341, 354(B) and 379 of the Indian Penal Code.

2. The learned counsel for the petitioners has submitted that the accusation against the petitioners is false



and is the fallout of a civil litigation between the parties as also the pendency of Title Suit No. 447 and 2017.

3. The aforesaid grounds can be urged by the petitioners before the Court below at the time of pressing their discharge petition.

4. After some arguments, the learned counsel for the petitioners, seeks permission to withdraw this petition with the aforesaid liberty.

5. Should such a petition be filed, the Court below shall take into account all such facts which have been urged in the present petition, especially the pendency of a civil case pending between the parties and the nature of accusation and shall, thereafter, pass an order in accordance with law, without being prejudiced by the fact that the present petition has not been entertained.

6. Disposed off as withdrawn with the liberty aforesaid.

**(Ashutosh Kumar, J)**

Praveen-II/-

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