

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3608 of 2015

Arising Out of Case No.-155 Year-2014 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Aatur Rahman @ Aatur Rehman son of late Abdul Majid.
2. Saira Khatoon widow of Abdul Majid
3. Javed Majid son of late Abdul Majid
All resident at 51A, Shamsul Huda Road, Police Station Karaya Kolkata (West Bengal), Pin 700017
4. Rafat Jahan daughter of late Abdul Majid, resident at village Ramkhetari, Police Station Aurai, District Muzaffarpur
5. Zeelani alias Jio @ Jilani son of late Abdul Majid.
Resident at 51A, Shamsul Huda Road, Police Station Karaya, Kolkata (West Bengal), Pin 700017
6. Abdul Rauf alias Panne Babu@Punney Babu, son of Abdul Bari, resident at village Maqsoodpur, Police Station Aurai, District Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Abdul Gani son of late Md. Yunus, resident of Village Ankhauli, Police Station Katra, District Muzaffarpur, presently residing at Mohalla Jamalpur, Police Station Laheria Sarai, District Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar with
Mr. Nirmal Kr. Sinha, Advocates
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 03-05-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have moved the Court under
Section 482 of the Code of Criminal Procedure, 1973
(hereinafter referred to as the 'Code') for the following relief:

*“That this application is directed for quashing the
order dated 21.06.2014 passed by Sri S.D. Roy
Judicial Magistrate Ist, Class Darbhanga in Case*



No. CR-155/2014 (Trial No. 1346 of 2014) by which he has taken cognizance against the petitioners and issued process against the petitioners for their appearance which is pending in the court of learned Judicial Magistrate Ist. Class Darbhanga.”

3. Earlier, a report was called from the Court below with regard to the present stage of trial. Pursuant thereto, the Additional Chief Judicial Magistrate-VII, Darbhanga has sent a report under Letter No. 178 dated 14.08.2018 in which it has been indicated that before charge evidence has been closed on 31.05.2018 and on the date fixed for charge a petition was filed under Section 245 of the Code by the petitioners seeking their discharge on which the case was fixed for rejoinder by the opposite party no. 2.

4. In view of the aforesaid, learned counsel for the petitioners submitted that as they have moved the Court for discharge under Section 245 of the Code, the present application be disposed off with liberty to the petitioners to take action pursuant to final orders being passed on their said application.

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

6. The petitioners would be at liberty to take steps, in accordance with law, with regard to any order which may be passed on the petition filed by them under Section 245 of the



Code by the Court below.

(Ahsanuddin Amanullah, J)

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