

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84982 of 2019**

In

CRIMINAL MISCELLANEOUS No.21630 of 2015

Arising Out of PS. Case No.-622 Year-2011 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Bal Lakhan Prasad @ Bal Lakhan Chamar son of Late Doda Ram, resident of Village - Nadaon, P.S.- Buxar (M), District- Buxar
 2. Ram Sajan Ram @ Sajan Chamar son of Late Doda Ram, resident of Village - Nadaon, P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mannu Chauhan, son of Jata Shankar Chauhan, resident of Village - Nadaon, P.S.- Buxar (M), District- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta
For the Opposite Party/s : Mr. Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-02-2020 The present application has been filed for modification of the order dated 22.11.2019 passed in Cr. Misc. No. 21630 of 2015.

The petitioners had approached this Court for quashing of the order dated 10.06.2014 passed by the Judicial Magistrate, Buxar in connection with Protest-cum-Complaint Case No. 622(C) of 2011 whereby cognizance has been taken under Sections 341, 323, 324 and 307/34 of the Indian Penal Code.

Only on the statement made by the learned



counsel for the O.P. No. 2 that charges have been framed and the trial has proceeded, this Court declined to entertain the application.

Such statement, it has been urged by the learned counsel for the petitioners as also by the O.P. No. 2 is incorrect as charges have not yet been framed and therefore the trial has also not been proceeded.

However, since an order has been passed by this Court, it cannot be modified to the extent of reviving the petition.

The prayer for modification therefore is rejected.

However, the petitioners shall have liberty to approach this Court afresh for challenging the order dated 10.06.2014 after stating the aforementioned facts.

The application stands dismissed.

(Ashutosh Kumar, J)

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