

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.54 of 2021**

Arising Out of PS. Case No.-1 Year-2020 Thana- SC/ST District- Gaya

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SUDAMA KUMAR S/o Mangalchand Resident of Village-Pachhatti, P.S.-
Bodhgaya, District-Gaya. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary Home Special Deptt. Govt. of Bihar Patna.
3. The Director General of Police, Bihar, Patna.
4. The Director General of Police Vigilance, Department, Govt. of Bihar Patna.
5. The Inspector General of Police Magadh Range, Gaya.
6. The Senior Superintendent of Police, Gaya.
7. Rakesh Kumar, The City Superintendent of Police, Gaya.
8. Sindhu Shekhar Singh, Dy. Superintendent of Police, Bodhgaya, Gaya.
9. Officer In-Charge SC/ST Police Station, Gaya.
10. Arvind Kumar Singh S.I. SC/ST P.S. Gaya.
11. Chinta Devi W/o Parasnath Manjhi Resident of Village-Sripur Babhni, P.S.-
Bodhgaya, District-Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate
For the Respondent/s	:	Mr.Deepak Kumar, AC to GP-4
For the Resp. No. 11	:	Mr. Bibhuti Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-07-2022 In sum and substance the submission of learned counsel for the petitioner is that he is being maliciously prosecuted by respondent no. 7 to 10. According to him, the malicious prosecution is being done because he failed to fulfill the illegal demand of the said respondents.

Many facts are stated in the writ application but in course of hearing of this case, learned counsel for the petitioner informed that the case has proceeded after framing of charge and in course of



trial even the informant has supported the petitioner. The trial is still pending.

In these circumstances, after some argument and in view of the interactions which he had with the court, learned counsel for the petitioner understood that the plea of malicious prosecution may be raised by him if the occasion so arises after conclusion of trial.

At this stage, learned counsel for the petitioner seeks permission to withdraw this application with liberty to the petitioner to seek his remedy against the malicious prosecution, if so advised, in accordance with law after conclusion of trial and/or as and when he gets a cause of action.

Mr. Deepak Kumar, learned AC to GP-4 represents the State. He has no objection to the petitioner withdrawing this application with liberty as prayed for.

Mr. Bibhuti Narayan, learned counsel representing the respondent no. 11 is present and learned counsel submits that the respondent no. 11 is supporting the petitioner.

In the given circumstances, this application is permitted to be withdrawn, as prayed for.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

