

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11471 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- DARBHANGA District- Darbhanga

Rajesh Kumar S/O Ram Badan Yadav R/O Mohalla-Manharan Lal, P.S-
Darbhanga Town, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Divyani Devi D/O Mukti Ishwar Jha R/O Village-G.M. Road
(AAKASVANI), P.S.-DARBHANGA Town, District-Darbhangha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sabal Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP
For the O.P No.2/s	:	Mr. Prem Kumar Jha, Adv.
	:	Mr. Rajesh Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks regular bail in connection with
Darbhanga Town P.S. Case No. 17 of 2020 lodged under
Sections 406, 420, 467, 468 of the I.P.C.

At the very outset, learned counsel for the petitioner
submits that he is not interested to press this application and
seeks permission to withdraw the same.

Learned counsel for Opposite Party opposes the said
prayer of the petitioner and submits that the present application

has been filed to quash the cognizance order and in the name of pendency of the present quashing application, the petitioner has taken benefit and stopped the trial before the lower court. Learned counsel submits that in the said petition, trial in Para 6 and 7, he has categorically stated that

“it is humbly submitted that the alleged money was deposited in the account of the petitioner from month of January 2019 and get profit till the month of September which is evident from the F.I.R. itself only due to loss of firm from the October to filing of this case it was due and the petitioner was ready to pay but due to oblique manner the present case has been lodged and in para-7 it is stated that “ the petitioner is ready to settle the accounts with the informant but the informant is not entrusted to settle the goal.” by which it transpires that he is ready to settle the account and interest to pay all admitted money to the informant.

On this ground, notices were issued to O.P. No.2.

In the above facts and circumstances and submission made above, let the permission to the petitioner for not pressing this application is allowed. Trial Court is directed to expedite the trial as early as possible considering the statement made in Para-6 and 7 of the petition that the petitioner has admitted

before the Hon’ble Court that he has taken money from the informant and ready to return. The Trial Court is directed to consider this aspect also.

With this observation, the present application stands dismissed as not pressed.

(Dr. Anshuman, J.)

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