

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2851 of 2019

In

Criminal Writ Jurisdiction Case No.623 of 2019

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Suman Kumari Wife of Sanjeev Kumar Sinha Resident of Village-
Mohaddipur, P.O.- Bind, Police Station- Bind, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Old Secretariat, Bihar, Patna.
2. Inspector General of Police, Tirhut Division, Muzaffarpur, Bihar.
3. The Superintendent of Police, Hajipur, Vaishali.
4. Sub-Divisional Officer, Hazipur at Vaishali.
5. Programme Officer, Manrega, Hazipur Block, Vaishali.
6. The Sub-Divisional Police Officer, Mahua, Vaishali.
7. The Officer-in-Charge, Police Station Rajapakar (O.P. Barati) within District Vaishali.
8. Mahesh Kumar Bhagat Son of Ram Sharan Bhagat Programme Officer, Block- Patepur, Resident at Block Patepur, Vaishali.
9. Reeta Kumari W/o Upendra Rai Resident of Village- Chandela, Police Station- Maker, P.O.- Maker, District- Saran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Ms. Neelam Kumari, Adv.
For the Opposite Party/s : Mr. Prabhat Kumar Verma (AAG3)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 10-08-2022 The instant application has been filed by the

petitioner for restoration of Cr.W.J.C. No. 623 of 2019, which

was dismissed for want of prosecution vide order dated

16.04.2019.

Considering the pleadings made in the application and

the submissions advanced at the Bar, the prayer is allowed.



Cr.W.J.C. No. 623 of 2019 is directed to be restored to its original file.

Cr.W.J.C. No. 623 of 2019

The instant application has been filed by the petitioner for quashing the F.I.R. of Rajapakar (O.P. Barati) P.S.Case No. 113 of 2017 registered for the offences punishable under Sections 409 and 420 read with 34 of the Indian Penal Code.

Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioner fairly conceded that due to efflux of time investigation of the case has been completed and the police have already submitted their report under Section 173(2) of the Code of Criminal Procedure, which is pending before the court of jurisdictional Magistrate on the point of cognizance. He submitted that in view of the changed stage of the case he would not like to press the application for the present and in case the learned Magistrate would take cognizance of the offence, he may challenge the same by filing an appropriate application under Sections 397 and 401 or Section 482 of the Code of Criminal Procedure.

In view of the submissions made above, the application is disposed of as withdrawn with liberty to the petitioner to challenge the order of cognizance in case the



jurisdictional Magistrate finds prima facie case against the
petitioner.

(Ashwani Kumar Singh, J)

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