

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26981 of 2015

Arising Out of PS. Case No.-304 Year-2012 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

-
1. Shree Krishna Lal Karan @ Krishna Lal Karan and Anr. Son of Late Bhati Lal Das.
 2. Sanjay Kumar Son of Shree Krishna Lal Karan
Both residing at Mohalla - Ramanand Path New Balbhadrapur
Laheriasarai, P.S. Laheriasarai, District - Darbhanga

... .. Petitioners

Versus

1. State Of Bihar
2. Anil Kumar Son of Late Ramashrai Ray,
Residing at village - Gangapur, P.S. Baini 'Pusa', District –
Samastipur.
At Present Constable No. 554, Anil Kumar B.M.P. 13, Darbhanga
C/o Sri Kripa Nath Mishra, residing at Mohalla - Ramanand Path, Ward No.
44, New Balbhadrapur Laheriasarai, P.S. Laheriasarai, District - Darbhanga

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Sanjeev Kumar Jha, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-06-2023 Heard learned counsel for the parties.

This application has been filed for quashing of the order dated 02.03.2015 passed by learned Judicial Magistrate, 1st Class, Darbhanga, in C.R. Case No. 304 of 2012, by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section 406 of the Indian Penal Code.

After some arguments, learned counsel for the



petitioners seeks permission to withdraw this application with a liberty to raise all the grounds including the ground that no offence is made out against the petitioners in view of the law laid down by the Hon'ble Supreme Court in the case of ***Murari Lal Gupta vs. Gopi Singh*** reported in ***(2005) 13 SCC 699*** at the stage of framing of charge.

If such grounds are raised by the petitioners by filing an application in the Court below, the same shall be considered and decided by the Court below in light of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar Vs. State of Bihar*** reported in ***(2022) 9 SCC 577***.

With the aforesaid observations and directions, this application is disposed of as withdrawn.

(Sandeep Kumar, J)

pawan/-

U		T	
---	--	---	--

