

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7319 of 2017

Arising Out of PS. Case No.-116 Year-2014 Thana- DERNI BAZAR District- Saran

Madan Mohan Prasad Son of Late Sahdeo Prasad, Resident of Village-
Bhatwaliya, PO- Suti har, PS- Derni, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Prasad Yadav, Son of Late Deodhari Prasad Yadav, Resident of
Village- Bali Tola, PO- Suti har, PS- Derni, District- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The present application has been filed for quashing
of the order dated 08.04.2015 passed by the learned Sub-
Divisional Judicial Magistrate, Saran at Charpa in connection
with Derni P.S. Case No. 116 of 2014, Tr. No. 2280 of 2016
whereby cognizance has been taken against the petitioner under
Section 406 of the Indian Penal Code.

3. On query of the Court with regard to the stage of
the case, learned counsel for the petitioner fairly submits that
charges have been framed and trial has commenced.

4. Learned A.P.P. opposes this application and submits
that the present application has been filed seeking quashing of



the order dated 08.04.2015 when much water has flown and the charges have been framed and the trial has commenced, as such, the Court at this stage should refrain from entertaining this application and if the petitioner is innocent, the same shall be decided in the trial.

5. Considering the submission made by the learned A.P.P., the Court is not inclined to entertain this application.

6. Accordingly, this application is dismissed.

(Satyavrat Verma, J)

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