

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48924 of 2015

Arising Out of PS. Case No.-22 Year-2014 Thana- INARWA District- West Champaran

-
1. Haider Ali S/o Jalal Ansari,
 2. Jalal Ansari, S/o Late Mohammad Mian
 3. Raisul Mian @ Raisul Azam,
 4. Raiful Mian @ Raiful Ansari, Sl. No. 3 & 4 are S/o Jalal Ansari, all are resident of Ghoparkari, P.S. - Inarwa, District - West Champaran.
- Petitioners

Versus

1. The State of Bihar
 2. Salena Khatoon, W/o Haider Ali, D/o Monaf Mian, Resident of Khajuria Barwa, P.S. - Shikarpur, West Champaran.
- Opposite Parties

Appearance :

For the Petitioners	:	Mr. Bimlesh Kumar, Advocate
For the O.P. No. 2	:	Mr. Adityanath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-09-2023 Let the certified copy of the order dated 29.07.2019 passed in Tr. No. 4889/19 by the learned Magistrate whereby and whereunder the application seeking discharge of the petitioners has been rejected be taken on the record.

2. Heard learned counsel for the petitioners and learned counsel for the Opposite Party No. 2.

3. This application has been filed to quash the impugned order dated 27.06.2014 passed by learned Judicial Magistrate 1st Class, Bettiah in Inarwa P.S. Case No. 22 of 2014 whereby and whereunder cognizance has been taken against the petitioners under Sections 342, 323, 494, 498(A), 120(B)/34 of



the Indian Penal Code.

4. By filing I.A. No. 1 of 2019, the petitioners prays for quashing of the order dated 29.07.2019 passed by learned Judicial Magistrate-1st Class, Bettiah, West Champaran in Tr. No. 4889 of 2019 arising out of Inarwa P.S. Case No. 22 of 2014 whereby and whereunder petition dated 09.07.2018 filed on behalf of the petitioners for discharge has been rejected.

5. After some hearing, learned counsel for the petitioners withdraws this application and I.A. No. 1 of 2019 for and on behalf of the husband, namely, Haider Ali, who is petitioner no. 1 in the present case. Learned counsel further submits that the petitioner no. 1 shall pay the entire outstanding amount which he had agreed to at the time of obtaining anticipatory bail from this Court in Cr. Misc. No. 5172 of 2015.

6. So far as petitioner nos. 2 to 4 are concerned, they are said to be the father-in-law and brother-in-laws respectively. Learned counsel for the petitioners submits that so far as petitioner nos. 2 to 4 are concerned, they are being prosecuted only because they are the kith and kin of petitioner no. 1.

7. Learned counsel for the informant-O.P. No. 2 submits that so far as petitioner nos. 2 to 4 are concerned, without prejudice to her contentions in accordance with law



against the petitioner no. 1, she would have no objection if this Court sets aside impugned order and quash the criminal proceeding in respect of petitioner nos. 2 to 4.

8. Having regard to the aforesaid submissions, while allowing learned counsel for the petitioners to withdraw this application on behalf of petitioner no. 1 Haider Ali, this Court sets aside the impugned orders dated 27.06.2014 and 29.07.2019 passed in Tr. No. 4889 of 2019 arising out of Inarwa P.S. Case No. 22 of 2014 and the criminal proceeding as against petitioner no. 2, Jalal Ansari, petitioner no. 3 Raisul Mian @ Raisul Azam and petitioner no. 4, Raiful Mian @ Raiful Ansari in Inarwa P.S. Case No. 22 of 2014 .

9. Petitioner no. 1 will be at liberty to raise all such points which will be available to him in course of trial.

10. Let it be recorded that the stand taken by the informant-O.P. No. 2 not to proceed with the case against petitioner nos. 2 to 4 shall not cause any prejudice to her contentions in course of trial of petitioner no. 1. Petitioner no. 1 shall be obliged to abide by the undertaking, whatsoever given by him with regard to payment in Cr. Misc. No. 5172 of 2015.

11. As agreed hereinabove by learned counsel for the petitioners, the petitioner no. 1 shall comply with the order



failing which it will be open for the informant-O.P. No. 2 to move the learned court below for cancellation of his bail bond.

12. This application as well as the I.A. No. 1 of 2019 stand partly allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

