

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23656 of 2017

Arising Out of PS. Case No.-184 Year-2006 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Raushan Kumar @ Dipu Thakur, s/o Laxmi Kant Thakur, resident of village-
Pathai, P. S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that the case was instituted in the Year 2006 and till date, the accused persons are suffering. It is next submitted that the present quashing application was filed challenging the order dated 20.04.2017 passed in connection with Sessions Trial No.841 of 2006 arising out of Sadar P. S. Case No.184 of 2006 by the Court of learned Fast Track Court No.2, Muzaffarpur, whereby the petition dated 03.04.2017 filed by the prosecution under Section 311 of the Cr.P.C. to examine three witnesses, was allowed, but the witnesses, who were to be examined as per order dated 20.04.2017, till date, have not been examined. It is



next submitted that it absolutely does not stand to reason that when prosecution intended to get three more witnesses examined, though very belatedly and the same was allowed by the learned trial Court, then why the witnesses till date have not been examined, this amply demonstrates that the application under Section 311 of the Cr.P.C. was filed by the prosecution only to harass the petitioner. It is further submitted that no doubt, the allegation is of rape, but then, allegations are in realm of allegation and are to be tested in a duly constituted trial, which is not proceeding.

3. At this stage, the learned counsel for the petitioner seeks permission to withdraw the present quashing application.

4. Permission is accorded.

5. Accordingly, instant petition is dismissed as withdrawn.

6. The Court expects that the trial shall be concluded expeditiously and preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Satyavrat Verma, J)

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