

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41697 of 2017

Arising Out of PS. Case No.-111 Year-2015 Thana- BODHGAYA District- Gaya

Surendra Prasad Yadav S/o Lakhan Yadav, R/o Village- Lohra, P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Basudo Yadav, S/o Baleshwar Yadav
3. Sudarshan Yaav, S/o Baleshwar Yadav Both R/o Village-Lohra Chapri, P. S.- Bodh Gaya, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-10-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The learned counsel for the petitioner submits that he is aggrieved by the fact that the learned Magistrate while accepting the final form submitted in favour of the opposite party nos.2 and 3, did not issue notice to the informant. It is thus submitted that in absence of the informant accepting the final form amounts to violation of the principles of natural justice.

3. The learned counsel fairly submits that the accused persons against whom charge-sheets were submitted, cognizance taken and charges framed, the trial is progressing and in Sessions Trial No.195 of 2019, nine prosecution



witnesses have been examined and they have named the opposite party nos.2 and 3 herein, on account of which, an application under Section 319 of Cr.P.C. was filed, but the same was also rejected by the learned trial Court. It is next submitted that the order rejecting the application filed on behalf of the petitioners herein under Section 319 Cr.P.C. before the learned trial Court in Sessions Trial No.195 of 2019 has been impugned in Cr. Misc. No.49842 of 2019. The learned counsel after making the aforesaid submissions seeks permission to withdraw the present quashing application.

4. Permission is accorded.

5. Accordingly, the quashing application is dismissed as withdrawn with the aforesaid observation.

(Satyavrat Verma, J)

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