

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56224 of 2015

Arising Out of PS. Case No.-162 Year-2013 Thana- BARAULI District- Gopalganj

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1. Yogendra Upadhyay @ Jogendra Upadhyay
 2. Bidya Bhushan Upadhyay Both are Sons of Late Beyas Upadhyay Resident of Village - Sisai, P.S. - Barauli, District - Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Uday Upadhyay Son of Paspati Upadhyay Resident of Village - Sisai, P.S. - Barauli, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	None.
For the Opposite Party/s	:	Mr.Md.Arif, APP
For the informant	:	Mr.Akhilesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-03-2023 No one appears on call for the petitioners although learned counsel for the informant and the State are present.

This is an application for quashing of the order dated 21.07.2015 passed in Tr. No. 1600 of 2015 (arising out of Barauli P.S. Case no. 162 of 2013) under Sections 302/201/34 of the Indian Penal Code by the learned Judicial Magistrate, 1st Class, Gopalganj.

As per the FIR, the allegation is that the victim girl went out to attend the nature's call but could not return and as such, the informant raised suspicion against the accused persons who had some enmity with him. The dead body of the victim



girl was found in a pond.

Accordingly, the FIR.

Learned counsel for the informant submits that as per the Post-mortem Report, the cause of death included strangulation.

The police submitted charge-sheet whereafter the learned Judicial Magistrate, 1st Class, Gopalganj took cognizance on 21.7.2015 and in that background, it would be proper that the petitioners take up all the issues at the time of framing of the charges, if still not framed.

So far as the present petition is concerned, no interference is required.

It further seems that the petitioners have lost interest in the case.

Accordingly, the petition stands dismissed for non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage .

(Rajiv Roy, J)

Ajay Singh/-

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