

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43761 of 2023

Arising Out of PS. Case No.-1173 Year-2021 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

=====

Kumar Arunoday Prakash @ Kaju @ Arunoday Kumar, S/O Arun Kumar
Singh R/O Village- Ward No. 05, Narha, P.S- Suppi And Distt.- Sitamarhi.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Munchun Devi, W/O Niranjana Ram R/O Village- Gisara, P.S- Parsouni,
Distt.- Sitamarhi and presently R/O Sadar Hospital Road, Ward No. 22, P.S
and Distt.- Sitamarhi.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned counsel for the petitioner, after some
argument, seeks permission to withdraw the present quashing
application with a liberty to move before an appropriate forum
at an appropriate stage as it has been submitted that from bare
perusal of the allegation as alleged in the complaint, it would
manifest that the same does not inspire confidence. It is next
submitted that even the complainant during her evidence has
very clearly stated that she was not knowing the accused
persons from before. It is thus submitted that if the complainant
was not knowing the accused persons from before and they were
not known to her, how come they could know about her caste.



3. The learned counsel further draws the attention of the Court to Page-29 of the quashing application to submit that from perusal of deposition of C.W.-3 of the complainant, it would manifest that she herself has stated before the Court that she is giving her evidence as per instruction of the complainant, which further cast an aspersion on the case of the prosecution. It is further submitted that even from perusal of the address of the complainant and the petitioner, it would manifest that they are resident of different villages. It is next submitted that the complainant is also in habit of instituting false cases, a description of which is given at Para-15 of the quashing application.

4. Permission is accorded.

5. Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

6. The Court expects that when discharge application shall be filed by the petitioner, the learned District Court shall take into account the issues raised by the learned counsel for the petitioner which stands recorded herein above.

(Satyavrat Verma, J)

vikash/-

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

