

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42403 of 2023

Arising Out of PS. Case No.-780 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. PANKAJ KUMAR YADAV SON OF LATE YUGAL PRASAD YADAV
RESIDENT OF VILLAGE- KALI PRASAD TOLA, PS- K. HAT
(MADHUBANI T.O.P) DISTT- PURNEA
 2. KUNDAN YADAV @ PRAVEEN KUMAR SON OF PARAS YADAV
RESIDENT OF VILLAGE- KALI PRASAD TOLA, PS- K. HAT
(MADHUBANI T.O.P) DISTT- PURNEA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NILAM SINGH WIFE OF LATE VINAY KUMAR SINGH RESIDENT OF
VILLAGE- BHAUNA PRAWAL, PS- RUPAULI, DISTT- PURNEA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. This application has been filed for quashing the
order dated 06.08.2022, passed by the learned Chief Judicial
Magistrate, Purnea, in connection with Complaint Case No. 780
of 2022, whereby cognizance has been taken, for the offences
under Sections 341, 323, 354, 324, 379, 427, 384, 504 and
506/34 of the Indian Penal Code, against the petitioners.

3. Learned counsel for the petitioners, after arguing
vehemently for sometimes, seeks permission to withdraw this
application with liberty to move before an appropriate forum at



an appropriate stage as it has been submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil in nature to which a criminal colour has been given when there are proceedings between the complainant and the accused persons under Sections 107 and 144 of the Cr.P.C. and also a title suit is pending between the parties. It is further submitted that petitioners have no concern with the land as the land belongs to a temple and petitioner no. 1, being the Ward Councillor, has been falsely implicated.

4. Permission is accorded.

5. Accordingly, this application is dismissed as withdrawn.

6. The Court expects that when the discharge application will be filed by the petitioners, the learned Court below shall delve into the issue raised by the petitioners recorded hereinabove.

(Satyavrat Verma, J)

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