

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33378 of 2023

Arising Out of PS. Case No.-312 Year-2019 Thana- LAKHISARAI District- Lakhisarai

1. Daro Mistri Son Of Late Ram Mistri R/O-Jai Nagar Kawaiya Ward No. 26 P.S. Lakhisarai Distt.-Lakhisarai
2. Suraj Kumar Son Of Daro Mistri R/O-Jai Nagar Kawaiya Ward No. 26 P.S. Lakhisarai Distt.-Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Nageshwar Prasad Na R/O-Jai Nagar Kawaiya Ward No. 26 P.S. Lakhisarai Distt.-Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 12-08-2024 Heard the learned counsel for the petitioners, learned
APP for the State and learned counsel for the O.P. No. 02.

2. By order dated 11.07.2024, this application was
dismissed as withdrawn on behalf of petitioner no. 01 (Daro
Mistri) as the petitioner no. 01 has died.

3. This is an application for quashing of the order
dated 30.06.2022 passed by the learned Judicial Magistrate, 1st
Class, Lakhisarai in Lakhisarai Kabaiya P.S. Case No. 312 of
2019 by which the court below has taken cognizance against the
petitioners under Sections 341, 323, 337, 354(A), 354(B)/34 of
the Indian Penal Code.



4. The petitioner no. 02 (*Suraj Kumar*) and the O.P. No. 02 (*Nageshwar Prasad*) are present in the court in person.

5. The petitioner no. 02 is the nephew of the O.P. No. 02 (*Nageshwar Prasad*). The petitioner no. 02 (*Suraj Kumar*) has asked for forgiveness from the O.P. No. 02 without accepting his guilt.

6. The O.P. No. 02 (*Nageshwar Prasad*) has forgiven the petitioner no. 02 (*Suraj Kumar*) and he wishes not to continue with the prosecution of the petitioner no. 02 any further.

In these circumstances, this application is allowed and the entire prosecution of the petitioner no. 02 (*Suraj Kumar*) including the impugned order dated 30.06.2022 passed by the learned Judicial Magistrate, 1st Class, Lakhisarai in Lakhisarai Kabaiya P.S. Case No. 312 of 2019 is hereby quashed.

(Sandeep Kumar, J)

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