

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46834 of 2021

Arising Out of PS. Case No.-90 Year-2019 Thana- NASRIGANJ District- Rohtas

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1. Kamlesh Kumar, S/O Ram Bhaju Yadav Resident Of Nasriganj, Rohtas, Nasriganj, Bihar.
 2. Dharmendra Kumar Singh, S/O Ram Bhaju Yadav Resident Of Nasriganj, Rohtas, Nasriganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyamn Sundar Rai, S/O Shri Dharm Dev Rai Circle officer (nasriganj), Resident of Botawar, Khurd, P.S. - Jamania, District - Gajipur, Uttar Pradesh.
3. Pappu Kumar Yadav, S/O Raghunath Yadav Resident of village- Majhwari, P.S. Simri, District - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Alka Verma Mr. Ranjit Kumar
For the Opposite Party/s	:	Mr. Nirmala Kumari- A.P.P. Mr. Akhilesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2024 1. Heard learned counsel for the petitioners, learned counsel for the opposite party nos.2 and learned counsel appearing on behalf of opposite party no.3 and learned APP for the State.

2. The learned counsel for the petitioners, at the outset, submits that they have been falsely implicated in the present case for the reason that their father was a Chaukidar posted in the office of the informant, herein, and their father



died during the course of service, as such, the petitioners had applied for family pension and petitioner no.2 had applied for compassionate appointment. It is further submitted that neither the family pension was released, nor the case of the petitioner no.2 for compassionate appointment was being considered as gratification was being demanded by the opposite party no.2. It is next submitted that since the petitioners were not willing to accede to the demand of the informant, as such, they came to be implicated in the present false case. It is also submitted that even the victim of the case has not supported the case of the prosecution.

3.The learned counsel appearing on behalf of opposite party no.2 submits that the victim and the petitioners are hand in glove. It is further submitted that the informant could not have hatched a conspiracy against the petitioners with the help of the police for getting them arrested in the nature of allegation as alleged in the F.I.R.

4.The learned Additional P. P., at this stage, submits that if what has been submitted by the learned



counsel for the petitioners is true, in that event, they could raise all the issues at the time of framing of charge as the Court has wider jurisdiction to appreciate the facts of the case along with the law.

5. At this stage, the learned counsel for the petitioners seek permission to withdraw the present quashing application with a liberty to the petitioners to raise all the issues at the time of framing of charge.

6. Permission is accorded.

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

(Satyavrat Verma, J)

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