

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52173 of 2022

Arising Out of PS. Case No.-751 Year-2016 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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KUMARI ASHA SINHA @ KUMARI ASHA WIFE OF MITHLESH PRASAD @ MITHALESH PRASAD R/O VILLAGE- FATEHPUR, P.S.- ASTHAMA, DISTRICT- NALANDA, AT PRESENT RESIDING AT MOHALLA- SHIV NAGAR NAWADAH, P.S. AND DISTRICT- NAWADAH

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ANJANI DEVI WIFE OF HARI SHANKAR PRASAD SACHIN R/O VILLAGE- NEAR GONAWAN ITI, P.S. AND DISTRICT- NAWADAH

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2024 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the complaint case, it would manifest that the case has been instituted after a delay of more than eight years. It is also submitted that even presuming what has been alleged is true without admitting, in that event the dispute is purely civil to which a criminal colour has been given.

3. The learned APP for the State rebuts the



submission of the learned counsel for the petitioner and submits that if what has been submitted by the learned counsel for the petitioner is true, the same issues can be raised at the time of framing of charge, as the Court has wider jurisdiction to appreciate the facts of the case in its correct perspective.

4. The learned counsel for the petitioner, at this stage, seeks permission to withdraw the quashing application with liberty to raise all issues at the time of framing of charge.

5. Permission is accorded.

6. Accordingly, the present quashing application stands dismissed as withdrawn.

(Satyavrat Verma, J)

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