

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1945 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- BUNIYAD GANJ District- Gaya

1. Kalu @ Shubham Kumar Son of Rajesh Prasad Resident of Village- Manpur Dakghar Lane, P.S.- Buniyad Ganj, Dist.- Gaya
2. Manish Kumar Son of Vijay Mehta Resident at Village- Kurmi Tola, Manpur, P.S.- Buniyad Ganj, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar Rajak son of Late Damodar Rajak Resident at Village- Vaijnath Sahay Lane Manpur, P.S.- Buniyad Ganj, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 08-10-2025 1. Heard learned counsel for the appellants and learned Special P.P. Ms. Usha Kumari No.1.

2. The learned counsel appearing on behalf of the appellants submits that the case was taken up on 24.04.2024 when notices were issued on the O.P. No.2 but then O.P. No.2 refused to receive the notice, as would manifest from the office report dated 17.06.2025.

3. In view of the office report dated 17.06.2025, the notice is deemed to be validly served.

4. The learned counsel for the appellants next submits that appellants were also given interim protection of no coercive



steps by order dated 24.04.2024 but then the police submitted charge sheet on 31.07.2024, based on which, cognizance came to be taken.

5. The learned Special P.P. submits that appellants were given interim protection of no coercive action but then investigation was not stayed as such police investigated the matter and submitted charge sheet. It is further submitted that if appellants are aggrieved by order of cognizance, they have remedy of challenging it by way of filing a quashing application, on which, learned counsel appearing on behalf of the appellants seeks permission to withdraw the appeal with liberty to file afresh, if need arises.

6. Permission is accorded.

7. The instant Cr. Appeal (SJ) is dismissed as withdrawn with aforesaid liberty.

(Satyavrat Verma, J)

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