

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.411 of 2018**

Arising Out of PS. Case No.-421 Year-2017 Thana- BARARI District- Katihar

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1. Bhola Prasad Sah, S/o Late Manna Lal Sah,
  2. Vijay Kumar Sah, S/o Late Surya Narayan Sah,
  3. Pravin Kumar Sah @ Praveen Sah, S/o Vijay Kumar Sah, All are R/o Village- Sakraily, P.S.- Barari (Semapur), District- Katihar.
  4. Narayan Saraf, S/o Late Ram Jiwan Saraf, R/o Kalyan Industries, Durga Shthan, P.S.- Katihar Town, District- Katihar.

... .. Petitioners

Versus

1. The State of Bihar
2. The Sueprintendent of Police, Katihar.
3. The S.H.O., Barari P.S., Distt.- Katihar.
4. Savita Kumari, W/o Chhathu Lal Sah, R/o Village- Sakraily, P.S.- Barari (Semapur), District- Katihar.

... .. Respondents

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**Appearance :**

For the Petitioners : Mr. Mukesh Kumar Jha, Advocate  
For the State : Mr. Manish Kumar, AC to GP-4

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

4      05-01-2026                      The present Criminal Writ Petition has been filed by the Petitioners for quashing the FIR bearing Barari P.S. Case 421 of 2017, registered for the offences punishable under Section 341, 323, 379, 354, 427 read with Section 34 of the Indian Penal Code. However, learned counsel for the Petitioner informs that subsequent to the FIR, investigation has been completed by the police and charge sheet was submitted and even cognizance was taken against the Petitioners vide the order dated. 31.08.2018 passed by learned A.C.J.M-V<sup>th</sup>, Katihar in Barari P.S. Case No. 421 of 2017/ G.R. No. 5881 of 2017.

2. Learned counsel for the Petitioner intends to change the



prayer of the Petitioner for setting aside the cognizance order. However, after some argument, learned counsel for the Petitioners is seeking permission to withdraw the present petition with liberty to file Criminal Revision Petition against the aforesaid cognizance order.

3. He also submits that delay in filing the Criminal Revision Petition would arise on account of pursuance of the case in this Court. Hence, he is seeking condonation of delay in filing Criminal Revision Petition before the Court below.

4. Considering the aforesaid facts and circumstances, the Petitioners are allowed to withdraw the present petition and in the event of filing any Criminal Revision Petition before learned Court below, learned Court below will consider Section 14 of the Limitations Act to condone the delay which has been caused on account of pendency of the present petition before this Court.

5. Accordingly, the present petition stands disposed of.

**(Jitendra Kumar, J.)**

Chandan/-

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