

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46700 of 2016

Arising Out of PS. Case No.-35 Year-2016 Thana- GARDANIBAG District- Patna

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1. Rakesh Kumar, S/o Suresh Prasad @ Suresh Prasad Gupta
 2. Sunny Kumar @ Shani Kumar, S/o Suresh Prasad @ Suresh Prasad Gupta
 3. Ravi Kumar S/o Suresh Prasad @ Suresh Prasad Gupta
 4. Suresh Prasad @ Suresh prasad Gupta, S/o Munni Sah All are resident of Adampur Road, Infront of Tilla, P.S. - Khagaul, District- Patna .

... .. Petitioner/s

Versus

1. State of Bihar
2. Satya Bhama Kumari, W/o Bijendra kumar das, Resident of Police colony, C-9, Infront of park, Anishabad, P.S.- Gardanibagh, Dist- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Opposite Party No. 2	:	Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

4 22-07-2026 On repeated calls, none appears on behalf of the petitioners to press this application, which was filed in the year 2016 against the order dated 10.06.2016, whereby cognizance of the offences under Sections 341, 323, 325, 448, 504 and 506/34 of the Indian Penal Code has been taken.

2. Mr. Jharkhandi Upadhyay, learned Addl. Public



Prosecutor for the State and Mr. Ashok Kumar Singh, learned counsel appearing on behalf of the opposite party No. 2 are present.

3. It appears that on account of long pendency of the matter, the petitioners seem to have lost their interest in the matter.

4. *Vide* order dated 02.04.2024, this Court has called for a report from the Court of learned Judicial Magistrate-Ist Class-cum-Munsif-II, Patna in connection with G.R. No. 1081 of 2016, arising out of Gardanibagh P.S. Case No. 35 of 2016, with respect to the stage of the case.

5. Pursuant thereto, *vide* Letter No. 56 dated 02.05.2024, learned ACJM-XIV, Patna has submitted a report, stating therein:

“..... the present case record is running for framing of charge of accused petitioners 1) Rakesh Kumar S/o Suresh Prasad @ Suresh Prasad Gupta, 2) Sunny Kumar @ Shani Kumar S/o Suresh Prasad @ Suresh Prasad Gupta 3) Ravi Kumar S/o Suresh Prasad @ Suresh Prasad Gupta and 4) Suresh Prasad @ Suresh Prasad Gupta S/o Munni Sah. The discharge petition of one of the accused petitioner Suresh Prasad Gupta has been dismissed as not pressed on 05-03-2024. Hence the record is running for charge of all four accused petitioners.....”

6. From the aforesaid report, it is manifestly evident that the case is pending at the stage of framing of charge. The order under assail, in the present case, is the order taking cognizance.



7. In view thereof, this application seems to have become infructuous and as such, it is, accordingly, dismissed, on account of it being infructuous.

(Rana Vikram Singh, J)

Rakesh/Praveen-II

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