

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42983 of 2016

Arising Out of PS. Case No.-264 Year-2010 Thana- BUXAR MUFFSIL District- Buxar

1. Ajay Kumar Rai @ Mantu Rai @ Mantu Ram Son of Sri Gopal Rai @Mirtunjay Kumar Rai, Resident of Village Kritpura, Police Station Buxar (M), District Buxar.
2. Gopal Rai @ Mirtunjay Kumar Rai Son of Late Gauri Shankar Rai, resident of Village Kritpura, P.S. Buxar (M) District Buxar

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shashi Kant Upadhyaya, Son of Late Anjani Upadhyaya resident of Village Balua, P.S.- Buxar, Chausa, District- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate
For the Opposite Party/s : Mr. Ram Priya Saran Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 13-01-2026 Heard learned counsel for the petitioners and
learned counsel for the State.

2. Learned counsel for the petitioner submits that
petitioner no. 1 has died.

3. In view of the aforesaid, learned counsel for the
petitioners prays for and is permitted to withdraw this application
with liberty to the petitioner no. 2 to raise all the grounds at the
stage of framing of charge.

4. If such an application is filed, the same shall be
heard and considered by the learned court below in view of the
law laid down by the Hon'ble Supreme Court in the case of
Kanchan Kumar vs. State of Bihar reported in (2022) 9 SCC 577



and accordingly a reasoned order shall be passed.

5. The interim protection, if any, granted to the petitioners, is hereby vacated.

6. Let a copy of this order be communicated to Principal District Judge, Buxar through FAX so that the case will proceed further.

(Sandeep Kumar, J)

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