

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43866 of 2019

Arising Out of PS. Case No.-10 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

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RAM CHANDRA KHAIRWAR Son of Late Narsingh Khairwar Resident of
Village- Chhapkhi Parri, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajan Singh Son of Late Surendra Prasad Singh Resident of Mohalla- Laxmi
Sagar, Road No. 2, P.S.- Sadar, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 20-01-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. After some arguments, learned counsel for the
petitioner prays for and is permitted to withdraw this application
with liberty to the petitioner to raise all the grounds at the stage of
framing of charge. The objection with regard to maintainability of
prosecution of the petitioner under Section 138 N.I. Act shall also
be raised by the petitioner at the stage of framing of charge.

3. 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.



4. The interim protection, if any, granted to the petitioner, is hereby vacated.

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

(Sandeep Kumar, J)

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