

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.658 of 2011**

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Ranjeet Kumar Mahto & Anr.

.... .... Petitioner/s

Versus

The State Of Bihar & Anr.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Chandra Sahai, Adv.

For the Informant : Mr. Basant Kumar Choudhary, Sr. Adv.

Mr. Arvind Kumar, Adv.

For the State : Rajesh Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

3 29-09-2012

Heard learned counsel for the petitioner, learned

counsel for the Informant and the learned counsel for the State.

There is an allegation against the petitioners that they were constructing the road and in course of construction, they were digging earth from the field of the complainant. When she objected, petitioner no.1 assaulted, the complainant and there is allegation that petitioner no.2 also have actively participated in the occurrence and the court below on the basis of evidence that has come during the enquiry, has taken cognizance by the impugned order under Section 323 and 379 IPC in Complaint Case No. 1960C/10.

After some argument, learned counsel for the petitioner seeks permission to withdraw this petition. Permission is accorded and this petition is dismissed as withdrawn with liberty

to the petitioners to raise all the points at the time of framing of charge.

Jay/-

**(Shivaji Pandey, J)**

