

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 6151 of 2012

Arising out of P.S. Case No. -2162 Year- 2010 Thana –
Complaint District- PATNA

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1. Vinod Kumar Singh S/o Shiv Narain Singh Resident of Village- Kashipur Dih, P.S.- Rajapakar, District- Vaishali.
 2. Pramod Kumar Singh S/o Shiv Narain Singh Resident of Village- Kashipur Dih, P.S.- Rajapakar, District- Vaishali.
 3. Amod Kumar Singh S/o Shiv Narain Singh Resident of Village- Kashipur Dih, P.S.- Rajapakar, District- Vaishali.
 4. Manish Kumar S/o Shiv Narain Singh Resident of Village- Kashipur Dih, P.S.- Rajapakar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Ram Balak Singh S/o Late Suraj Singh Resident of Village- Kurkuri, P.S.- Phulwarisharif, District- Patna.... Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-03-2015

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 04.02.2011 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2162(C) of 2010.

The case of the Complainant is that on 30.04.2010 the daughter of the Complainant went from the house but did not return. In course of search the Complainant learnt that the accused persons had kidnapped her for purposes of marriage for which Fulwari P.S. Case No. 235 of 2010 was instituted. On 30.04.2010 the accused persons came to his house and started to abuse him and committed theft of his personal property.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Complainant's daughter was married to Accused No. 1, Vivek Kumar @ Bittu on 01.12.2009. Subsequently, the Complainant to vent his anger against the accused persons implicated them in the present case. The allegations on the basis of which appear to be unreliable.

On the other hand, Counsel for the Complainant submits that after the case for kidnapping was instituted the accused persons for purposes of coercing him into settlement committed this act and, hence, the accused persons should be prosecuted.

Having considered the background facts of the case, I would be inclined to accept the submission of the Petitioners.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 04.02.2011 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2162(C) of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

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