

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.289 of 2014

IN

OR. CR. MISC 1 of 2011

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Siyaram Rajak, son of Late Bipat Rajak, the then Block Supply Officer, Ekangarsarai, Nalanda, presently posted as Block Supply Officer, Fatehpur, P.S. Fatehpur, District- Gaya, C/o- Sub Divisional Officer, Sadar, Gaya Sub Divisional Office, Gaya.

.... Appellant

Versus

1. The State of Bihar
2. The Collector, Nalanda.
3. The Block Supply Officer, Ekangarsarai.
4. Sri Jiyut Singh, the then S.D.O. Hilsa, at present posted at Deputy Secretary, Public Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
5. Sri Awadhesh Kumar Rai, Sub Inspector of Police, the then Officer-in-Charge, Police Station, Hilsa, Nalanda, presently posted in Police Line, Patna, C/o- Senior Superintendent of Police, Patna.
6. Sri Arvind Kumar Singh, the then A.S.I. of Police, Police Station- Hilsa, District- Nalanda, presently Sub Inspector of Police and incharge Bhagwan Bigha O.P. (Out Post), District- Nalanda, C/o- Superintendent of Police, Nalanda.
7. Jaiser Pd., son of Sri Ram Nandan Das, Village Manpur, P.S. Ekangarsarai, District- Nalanda.
8. Janki Das @ Janki Pd., son of Late Rodi Das.
9. Anup Pd., son of Janki Pd., both residents of Village Gareriya High, P.S. Ekangarsarai, Nalanda.
10. Ramadhin Singh, son of Ramphal Pd. Resident of Village Manpur, P.S. Ekangarsarai, Nalanda.
11. Binod Yadav, son of Ramprit Pd., resident of Hilsa Bihari Road, P.S. Hilsa, District- Nalanda.
12. Anil Kumar, son of Late Durgalal, resident of Hilsa Bihari Road, P.S. Hilsa, District- Nalanda.
13. Prahlad Kumar, son of late Janwari Mochi, Faripupuram, P.S. Ekangarsarai, Nalanda.

.... Respondents

with

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Miscellaneous Appeal No. 302 of 2014

IN

LPA 732 of 2014

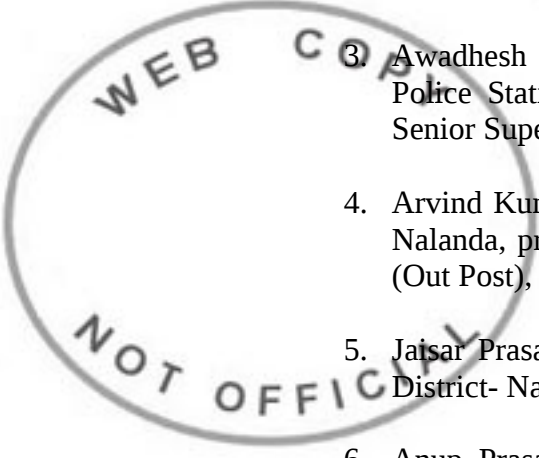
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Jiut Singh, son of Late Chhabinath Singh, Resident of Village- Baurai, P.S. Chainpur, District- Kaimur, at present posted as Deputy Secretary Road Construction Department, Vishwaraya Bhawan, Patna, Bihar.

.... Appellant

Versus

1. The State of Bihar through Collector, Nalanda.

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2. Siyaram Rajak, the then Block Supply Officer, Ekangarsarai, Nalanda, presently posted as Block Supply Officer, Fatehpur, District- Gaya, C/o- Sub-Divisional Officer, Sadar, Gaya, Sub Divisional Office, Gaya.
 3. Awadhesh Kumar Rai, Sub Inspector of Police, the then Officer-in-Charge, Police Station, Hilsa, Nalanda, presently posted in Police Line, Patna, C/o- Senior Superintendent of Police, Patna.
 4. Arvind Kumar Singh, the then A.S.I. of Police, Police Station- Hilsa, District- Nalanda, presently Sub-Inspector of Police and Incharge Bhagwan Bigha O.P. (Out Post), District- Nalanda, C/o- Superintendent of Police, Nalanda.
 5. Jaisar Prasad, Son of Ram Nandan Das, Village- Manpur, P.S. Ekangarsarai, District- Nalanda.
 6. Anup Prasad, son of Janki Das, Village- Gareria Bigha, P.S. Ekangarsarai, Nalanda.
 7. Ramadhin Pd., son of Ramphal Pd. Village- Manpur, P.S. Ekangarsarai, Nalanda.
 8. Binod Yadav, son of Ram Prit Pd. Village- Hilsa Bihari Road, P.S. Hilsa, Nalanda.
 9. Anil Kumar, son of late Durga Lal, Village- Hilsa Bihari Road, Hilsa, Nalanda.
 10. Prahalad Kumar, son of Late Janwari Mochi, P.S. Faridpur, P.S. Ekangarsarai, District- Nalanda.

.... Respondents

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Appearance :

For the Appellants : Mr. Anand Kumar Ojha, Advocate.
Mr. Kumar Mritunjay Narain, Advocate.

For the State : Mr. Sanjeet Kumar Singh, A.C. to A.A.G. 10

For Respondent
No. 5, 6 in M.A.
No. 289/2014 : Mr. Vijay Anand, Advocate.

For Respondent
No. 3, 6 in M.A.
No. 302/2014 : Mr. S. K. Thakur, Advocate.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE V.N. SINHA)
Date: 03-07-2015

During the hearing of these appeals both the

appellants have not only tendered unconditional apology but also paid Rs. 12,500/- each to the four writ petitioners whose goods were seized, ordered to be released but under some confusion the release order could not be passed and the writ petitioners were harassed. To meet out the harassment, aforesaid payment has been made by the appellants.

2. In lieu of such payment, unconditional apology filed on affidavit, we set aside the sentence imposed on them vide order dated 30.04.2014 passed in O.R. Cr. Misc No. 1/2011. The three demand drafts and one cheque are handed over to Sri Vijay Anand, Advocate so that he may pass the same to the persons concerned. Sri Anand is also requested to grant receipt in the margin of the order-sheet.

3. Both the appeals are, accordingly, disposed of.

(V.N. Sinha, J)

(Nilu Agrawal, J)

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