

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 28030 of 2014

Arising out of P.S. Case No. -1465 Year- 2010 Thana -
MADHUBANI COMPLAINT CASE District- MADHUBANI

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Mihir Kumar Jha @ Mihir Jha Son of Late Kali Prasad Jha Resident
of Village - Siswana, P.O. D. Nathwan, P.S.- Pandaul, Anchal,
Pandaul, District – Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Adv.

For the Opposite Party/s : Mr. A. Dayal, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 02.05.2014 passed by the Sub-divisional Judicial Magistrate, Madhubani in Complaint Case No. 1465 of 2010.

The case of the Complainant is that on the date of occurrence while he was digging earth for construction of a septic latrine the accused persons came there and threatened him not to do so on pistol-point.

It has been submitted on behalf of the Petitioner that in fact there is land dispute between the parties and a proceeding under Section 144 Cr.P.C. was initiated between them. In fact, even the Court Witness No. 1 in cross-examination has admitted that in between his

house and that of the Petitioner with regard to the land he had received a notice from the Circle Officer and it was the same land upon which he was building the latrine. Admittedly, both the parties are agnates.

Notices had been issued to the Opposite Party No. 2 but despite service of notice on the counsel appearing on his behalf none appears.

Having considered the unimpeachable documents annexed in this petition, the entire proceeding including the order of cognizance dated 02.05.2014 passed by the Sub-divisional Judicial Magistrate, Madhubani in Complaint Case No. 1465 of 2010 is, hereby, set aside.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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