

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19977 of 2012

- =====
1. Radha Kisun Singh S/O Late Jangi Singh Resident Of Village- Dhanauti, P.S.- Charpolahari, District- Bhojpur (Ara).
 2. Chanda Devi W/O Radha Kisun Singh Resident Of Village- Dhanauti, P.S.- Charpolahari, District- Bhojpur (Ara).
 3. Gautam Kumar Singh S/O Radh Kishun Singh Resident Of Village- Dhanauti, P.S.- Charpolahari, District- Bhojpur (Ara).
 4. Gajendra Singh S/O Radha Kishun Singh Resident Of Village- Dhanauti, P.S.- Charpolahari, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay

For the Opposite Party/s : Mr. Pushpa Sinha(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

5 20-02-2015 The petitioners seek quashing of the order of cognizance dated 08.07.2011 passed in Complaint Case No. 624 C of 2011 Tr. No. 1126 of 2011 by the Judicial Magistrate 1st Class, Bhojpur Ara.

The case of the complainant is that on 30.04.2011 the accused persons surrounded him near his door and abused him and thereafter the petitioner no. 3 pulled out a pistol whereas the rest of the persons started to assault him. They also committed theft. The complaint was instituted on 04.05.2011.

It appears that the petitioner no. 1 had earlier instituted a case vide Charpokhari P.S. Case No. 47 of 2011 for the same occurrence on the same date in which two brothers namely,

Murari Singh and Chotan Singh sons of Rajendra Singh i.e. common parentage as that of the complainant were named as accused.

The submission on behalf of the petitioners is that it is in retaliation of same, the present false complaint was filed after five days. In fact there are series of litigation between the parties on account of land dispute for which a title suit is pending.

On the other hand, counsel for the complainant submits that since cognizable offences are made out against the petitioners they should be put on trial.

Having gone through the facts of the case I am inclined to hold that the present case has been instituted for malicious reasons. Accordingly the order of cognizance dated 08.07.2011 passed in Complaint Case No. 624 C of 2011 Tr. No. 1126 of 2011 by the Judicial Magistrate 1st Class, Bhojpur Ara is hereby set aside.

The application is allowed.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--