

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 9539 of 2012**

Arising Out of PS.Case No. -0 Year- null Thana -null District- GAYA

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Bhola Nath Singh @ Bhola Singh S/O Late Dharamdeo Singh Presently Posted As  
Superintendent , Motihari, Jai.

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Rajendra Prasad Yadav S/O Late Buddu Yadav Resident Of Village- Madho  
Bigha, P.S- Neemchack, Bathani, District- Gaya.

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

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 01-12-2015**

The petitioner seeks quashing of the order dated  
28.04.2011 passed in Trial No. 1804 of 2011 arising out of Complaint  
Case No. 1950 of 2008 by the Chief Judicial Magistrate, Gaya.

The case of the complainant is that when he was ill he had  
asked Pramod Singh for calling the Jail Doctor but as the Doctor was  
going to another place, the said Pramod Kumar returned back. Then  
hatching up a conspiracy, all the accused persons asked the  
complainant about his illness and then Dr. Anil Kumar @ Sunil Singh  
checked him up and advised an injection which he found suspicious  
so he started to protest at which he was assaulted and threatened and  
the accused persons also snatched away his money.

It has been submitted on behalf of the petitioner that the petitioner was Jailor of Central Jail, Gaya at that point of time. On 07.11.2008 Dr. Arvind Kumar, Medical Officer lodged an FIR against the complainant under Section 307 of the Indian Penal Code and in order to screen his offence he filed the present complaint.

On the last occasion notices had been issued to the complainant but none appears on his behalf.

Having considered the background facts I would be inclined to hold that the present complaint is malicious and deserves to be set aside. Hence the application is allowed and the order dated 28.04.2011 arising out of Complaint case No. 1950 of 2008 passed by the Chief Judicial Magistrate, Gaya, is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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