

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29388 of 2012

Arising Out of PS.Case No. -141 Year- 2005 Thana –Naubatpur District- PATNA

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1. Pappu Kumar @ Pappu Yadav
2. Sunil Kumar
Both are sons of Vishwanath Yadav
3. Vishwanath Yadav
4. Ranglal Yadav @ Rangnath Prasad
Both are sons of Jag Narain Rai, All are residents of Village- Dhobia Kalapur, P.S.-
Naubatpur, District- Patna
5. Satish Kumar Yadav @ Santosh Kumar S/O Late Laldeo Yadav, Resident of
Village- Yamunapur, P.S.- Bihta, District- Patna

.... Petitioners

Versus

1. The State of Bihar
2. Rameshwar Prasad, S/O Late Nemi Yadav, Resident of Village- Dhobia Kalapur,
P.S.- Naubatpur, District- Patna

.... Opposite Parties

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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: 07-04-2015

No one appears on behalf of the opposite party no. 2 on
repeated dates.

The petitioners seek quashing of the order of cognizance
dated 31.01.2012 passed by the Additional Chief Judicial Magistrate,
Danapur in Naubatpur P.S.Case No. 141 of 2005.

The case of the informant is that he learnt from villagers
that his daughter, who had been married to Ranjit Kumar of the same
village had been murdered by his in-laws and the petitioners, who

were his co-villagers had assisted in disposing of the dead body.

During investigation not a single villager has supported the informant's version with regard to the petitioners' participation. Since the informant himself was a hearsay witness and there was no primary evidence with regard to the petitioners' complicity in the occurrence, final report was submitted but the Court disagreed with the same.

Considering the aforesaid aspect, the proceeding including the order of cognizance dated 31.01.2012 passed by the Additional Chief Judicial Magistrate, Danapur in Naubatpur P. S. Case No. 141 of 2005 as far as the petitioners are concerned is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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