

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12725 of 2012

Arising Out of Danapur P.S. Case No. -513 Year- 2001 Thana Danapur District- PATNA

Dipak Kumar, s/o Ramesh Prasad, resident of Mohalla- Kidwaipuri, P.S.- Kotwali,
District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.
Mr. Anant Kumar Pandey, Adv.
For the State : Dr. Indiwari Kumari, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-04-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of
cognizance dated 21.3.2002 passed by the Judicial Magistrate, 1st
Class, Danapur, in Danapur P.S. Case No. 513 of 2001.

The case of the Informant was that he was the guard of
R.P.S. College, Danapur, and the accused persons named in the First
Information Report had misbehaved with college students.

The submission of the Petitioner is that in the entire
case diary not a single girl student has supported the allegations in
first prosecution and, hence, the vague rambling statement of the
guard should not be the basis for further prosecution of the Petitioner.

The case diary was called for to verify the aforesaid

statement which has been perused by the learned A.P.P. who submits that the submission of the Petitioner’s Counsel is correct.

In such circumstances, the application is allowed and the Proceeding including the order of cognizance dated 21.3.2002 passed by the Judicial Magistrate, 1st Class, Danapur, in Danapur P.S. Case No. 513 of 2001 is hereby set aside.

(Anjana Prakash, J)

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