

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34013 of 2012

Arising Out of PS.Case No. -120 Year- 2012 Thana -null District- PATNA

Vinay Kumar Pappu S/O Late Dr. Surendra Nath Rai Yadav Resident Of Goriatoli,
Station Road, Police Station- Kotwali, District & Town- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Kanhaiya Kishore S/O Sri Nand Kishore Prasad Resident Of Upadhya Lane,
West Lohanipur, P.S.- Kadamkuan, District & Town- Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

The petitioner seeks quashing of the order of cognizance dated 27.07.2012 passed by the Chief Judicial Magistrate, Patna in Gandhi Maidan P.S. Case No. 120 of 2012.

The case of the informant is that on the date of occurrence he was going to file nomination for ward councilor but on the way he was abducted by the petitioner and made to sit in the car and prevented from doing so. During investigation the informant no doubt supported the case but neither his mother nor his brother supported him.

It has been submitted on behalf of the petitioner that he was Deputy Mayor and it is impossible that he would personally

kidnap the informant and confine him. It appears that it was for political reasons that the present case was instituted.

On the other hand the informant submits that even though the investigating officer certified him to be mentally ill but the fact of the matter is that he is completely balanced and the allegations in the first information report are true.

However, considering the nature of allegation, I am inclined to hold that the continuance of the present case would be a gross abuse of the process of the Court. Accordingly, the order of cognizance dated 27.07.2012 passed by the Chief Judicial Magistrate, Patna in Gandhi Maidan P.S. Case No. 120 of 2012 is hereby quashed.

The application stands allowed.

(Anjana Prakash, J)

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