

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

**Criminal Miscellaneous No.24136 of 2009**

Arising Out of PS.Case No. -0 Year- null Thana -null District- NALANDA (BIHARSHARIFF)

Yadu Nandan Mishra, son of Late Ram Batush Mishra, resident of B/6, Sachivalaya Colony, P.S.-Patrakar Nagar, district- Patna- 800 020

.... .... Petitioner/s

Versus

1. The State of Bihar &
2. Tarun Prasad, son of Budhani Sao, resident of Bihari Road, Hilsa, P.S.-Hilsa, District- Nalanda.

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

**Appearance :**

For the Petitioner/s : Mr. S. K. P. Sinha, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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

**ORAL JUDGMENT**

**Date: 31-07-2015**

No one appears on behalf of the Opposite Party No.2.

The Petitioner seeks quashing of the order of cognizance dated 18.05.2009 passed by the Judicial Magistrate, 1<sup>st</sup> class, Hilsa, Nalanda, in Complaint Case No.6-C of 2008.

The case of the Complainant is that on the date of occurrence the Petitioner took the law in his own hand and misbehaved with him.

It has been submitted that fact of the matter is that the Complainant had taken loan from the State Bank of India, Hilsa Branch, where the Petitioner was the Field Officer. When the loan went bad, the Petitioner was deputed to take possession of the premises on the due orders of the Court. When he went to take

possession, the Complainant started to run at which he was chased and caught. Being aggrieved by the strong action of the Petitioner/Officials, the present Complaint was instituted maliciously.

Having gone through the background documents which are unimpeachable in nature, I would be inclined to hold that the present Complaint Petition is simply a backlash to the action by the bank authorities and deserves to be set aside.

Hence, the order of cognizance dated 18.05.2009 passed by the Judicial Magistrate, 1<sup>st</sup> class, Hilsa, Nalanda, in Complaint Case No.6-C of 2008, is hereby set aside.

The application stands allowed.

**(Anjana Prakash, J)**

JA/-

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