

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32731 of 2011

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

Binod Singh, S/O Late Harinandan Singh, R/O Vill- Shankar Pur, P.S- Baikunthpur, Distt- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar
 2. Golden Kumar, Officer-Incharge, Baikunthpur P.S., P.S. Baikunthpur,
 3. Narendra Kumar, Officer-in-Charge, Mohammadpur, P.S. Mohammadpur.
 4. Harendra Kuar, son of late Nagina Kuar, r/o Garauli, P.S. Mohammadpur
- All District Gopalganj.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kr. Pandey, Adv.
For the State : Mr. Manoj Kumar, A.P.P.
For the Opposite Party No. 4 : Mr. Mritunjay Pd. Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 17-03-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 5.7.2011 passed by the Sessions Judge, Gopalganj, in Cr. Revision No. 293 of 2011 by which he has affirmed the order dated 24.5.2011 passed by the Judicial Magistrate, Gopalganj, in Complaint Case No. 2357 of 2009, Trial No. 938 of 2011.

The background facts of the case are that the sister of the Petitioner has instituted a case under Section 498A of the Indian Penal Code against the Opposite Party No. 4 and others. Thereafter, the Officer-in-Charge to bear pressure upon them, apprehended the

Petitioner and rest of the family members and detained them for three days, under which circumstances, the present Complaint was filed.

The submission is that erroneously, the Court below has demanded sanction order for Prosecution of the Private Opposite Parties.

Under the circumstances, the matter is remanded to the Court below for a fresh order on the point of cognizance.

(Anjana Prakash, J)

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