

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8181 of 2010

Arising Out of PS.Case No. 302 Year- 2008 Thana -null District- SAHARSA

- =====
1. Daya Kant Chaudhary
 2. Mahakant Chaudhary, both sons of late Baldev Chaudhary, resident of village Telhar, Tola Lakhni, Police Station Mahishi, District Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Braj Kishore Chaudhary son of late Ramtahal Chaudhary, resident of village Telhar Tola Lakhni, Police Station Mahishi, District Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Binod Kumar 2, APP

For Opposite Party No.2 : None

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

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

The Petitioners seek quashing of the order of cognizance dated 20.2.2009 passed by the Judicial Magistrate, 1st class, Saharsa in Complaint case No.302C of 2008.

The case of the Complainant is that he had a certain piece of land, upon which he was doing agricultural work. The accused persons are said to have come upon the land and started constructing a boundary, to which the Complainant protested. They told him that the land belongs to them, which was evident from the survey map, which had been collusively prepared forging the

signature of the witnesses and obtaining an ex parte order in its regard.

It appears that a proceeding under Section 107 Cr.P.C. was initiated on account of the same land and series of litigations are pending between the parties for the same. In this background the present Complaint appears to be unmindful of the fact that at best a civil dispute is made out in the facts stated therein.

Having considered the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 20.2.2009 passed by the Judicial Magistrate, 1st class, Saharsa in Complaint case No.302C of 2008 without prejudice to any party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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