

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6587 of 2010

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

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Ramendra Kumar			Petitioner/s
Versus			
The State of Bihar & Anr			Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

No one appears on behalf of the O.P. No. 2.

The petitioner seeks quashing of the order of cognizance dated 13.05.2009 passed by the Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 1324 of 2008.

The case of the complainant is that even though he was alive the petitioner being B.D.O in conspiracy with other showed him dead in the survey list of B.P.L and when he went to enquire the same the accused persons assaulted him

Considering facts, I would be inclined to hold that at best a rightful negligence has been made out without any *mens rea*. Hence the application is allowed and the order of cognizance dated 13.05.2009 passed by the Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 1324 of 2008 is hereby quashed.

(Anjana Prakash, J)

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