

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42522 of 2009

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

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Ram Chandra Chauhan @ Ram Chandra Nonia

.... Petitioner/s

Versus

1. State of Bihar.
2. Wakil Ansari son of late Hafiz Ansari

.... Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-08-2015

The petitioner seeks quashing of the order of cognizance dated 11.04.2008 passed by the Judicial Magistrate, 1st Class, Siwan in complaint Case No. 209 of 2008, Tr. No. 400 of 2009.

The case of the complainant is that he had taken a pond in question on lease from one Jirjodhan for fishing. When the fish was ready for extraction the accused persons started objecting and assaulted him with fists and slaps and committed theft of fish of Rs. 30,000/-

It has been submitted on behalf of the petitioner that there was bonafide dispute over the pond due to which such objection was made. The allegation with regard to assault and theft are mere embellishment in order to some how implead the petitioner before the criminal Court.

Having considered the factual aspect of the matter I am unable to convince myself that the present complaint deserves to survive. Hence the application is allowed and the order of cognizance dated 11.04.2008 passed by the Judicial Magistrate, 1st Class, Siwan in complaint Case No. 209 of 2008, Tr. No. 400 of 2009 so far as all the accused persons are concerned, is hereby set aside.

(Anjana Prakash, J)

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