

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9410 of 2013

Arising Out of PS.Case No. -332 Year- 2012 Thana -HILSA District- -

- =====
1. Babloo Singh S/O Sri Shekhar Singh Resident Of Village Momindpur, P.S. Hilsa, District Nalanda.
 2. Manogi Singh S/O Sri Shekhar Singh Resident Of Village Momindpur, P.S. Hilsa, District Nalanda.
 3. Shekhar Singh So Late Nathu Singh Resident Of Village Momindpur, P.S. Hilsa, District Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Satish Manjhi S/O Sri Ramanand Manjhi Resident Of Village Momindpur, P.S. Hilsa, District Nalanda.

.... 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: 06-10-2015

The petitioners seek quashing of the order of cognizance dated 06.09.2012 passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda in G.R. No. 1023 of 2012.

The case of the informant is that on the date of incident while he was sitting in Orchard and listening the Radio, the accused persons came and started abusing him, when he protested they assaulted him.

It has been submitted on behalf of the petitioners that the allegations are absurd and there was no reason why the petitioners would act in the manner as alleged. On the last occasion the

petitioners were present and even ready to apologize to the informant but the informant in his own interest kept away.

Having considered the facts of the first information report, in my understanding, since the allegations would be impossible to prove during trial, continuance of the proceeding would be a nullity. Hence the application is allowed and the order of cognizance dated 06.09.2012 passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda in G.R. No. 1023 of 2012 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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