

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42769 of 2012

Arising Out of PS.Case No. -1771 Year- 2010 Thana -null District- BEGUSARAI

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1. Surendra Kumar @ Munna S/O Late Jeetu Singh Resident Of Mohalla-
Mungeriganj, Ward No.32, P.S.- Begusarai Town, District- Begusarai

2. Sarat Kumar @ Kakua S/O Sri Surendra Kumar @ Munna Resident Of Mohalla-
Mungeriganj, Ward No.32, P.S.- Begusarai Town, District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar

2. Sitaram Paswan S/O Late Ram Karan Paswan Resident Of Mohalla- Pokharia,
Ward No. 28, P.S.- Begusarai Town, District- Begusarai

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-11-2015

The petitioners seek quashing of the order of cognizance
dated 03.11.2011 passed by the Judicial Magistrate 1st Class,
Begusarai in Complaint Case No. 1771C of 2010.

The case of the complainant is that he was working for
accused persons since the last one month for which he was to be paid
certain wages at a certain rate but the accused persons did not pay the
entire amount. When he went to demand the same he was abused and
insulted and hence the present complaint.

It has been submitted on behalf of the petitioners that in
fact there is litigation over a lane between the house of the petitioners

and Vijay Kumar Maharaj and another and on account of this dispute the present complaint has been filed. It has also been submitted that the person set up by the complainant to institute this false case is in fact an advocate clerk and not a labourer

On the last occasion notices had been issued to the O.P. No. 2 but despite service of notice none appeared in his behalf.

Having considered the nature of allegation and background dispute, the application is allowed and the order of cognizance dated 03.11.2011 passed by the Judicial Magistrate 1st Class, Begusarai in Complaint Case No. 1771C of 2010 is hereby set aside.

(Anjana Prakash, J)

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