

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32056 of 2014

Arising Out of PS.Case No. -1518 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

- =====
1. Bhola Singh son of Late Amira Singh
 2. Harendra Singh
 3. Munna Singh
 4. Pintu Singh All are sons of Bhola Singh

.... Petitioner/s

Versus

1. The State of Bihar
2. Baleshwar Singh son of Late Ram Ayodhya Singh Resident of village -
Basmanpur, P.S. Arrah Muffasil, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

3 22-05-2015 The petitioners seek quashing of the order dated
28.05.2014 by which the learned Sessions Judge, Bhojpur at
Ara in Criminal Revision No. 42 of 2014 has affirmed the order
dated 18.12.2013 passed by the learned Judicial Magistrate, Ist
Class, Ara in Complaint Case No. 1518C of 2011.

The case of the complainant is that the accused
persons came to his house to meet the grand children and took
them away for refreshment. Latter on they started to refuse to
let them go and on protest by the villagers they committed theft
of his personal property.

It has been submitted on behalf of the petitioners
that the background fact is that the petitioners were put on
trial for the alleged murder of the daughter of the Opposite

Party No. 2, who happens to be the daughter-in-law of Petitioner No. 1 and acquitted in the said case. The Petitioner no. 2, who is the son-in-law of the complainant instituted a case against him vide Behiya P.S. Case No. 63 of 2008 on 03.09.2011 in which he gave his evidence. Two days later, the present case was instituted by the complainant.

On the other hand, learned counsel for the complainant submits that since the petitioners, who are also guardians of the grand children, who are living with him have been creating problems in their safe custody with them, they should be put on trial.

Having considered the background fact and the nature of allegation as also relationship, I am inclined to hold in the present complaint is misdirected and an abuse of process of the Court and deserves to be set aside.

Hence, the application is allowed and the proceeding including the order dated 28.05.2014 is hereby set aside.

(Anjana Prakash, J)

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