

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 5256 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHABHUA (KAIMUR)

- =====
1. Mainuddin Ansari son of late Roza Ansari.
 2. Azhar Ansari @Izhar Ansari son of late Roza Ansari.
 3. Hakinuddin Ansari son of late Roza Ansari.
 4. Salimuddin Ansari son of Hakimuddin Ansari.
 5. Imteyaz Ansari son of Mainuddin Ansari.
 6. Mumtaz Ansari son of Mainuddin Ansari.
 7. Alam Shah Ansari son of Illiyas Ansari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hesamuddin Ansari son of Ali Mohammad Ansari.

.... 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: 13-07-2015

The petitioners seek quashing of the order dated 23.12.2008 passed by the Additional District and Sessions Judge, F.T.C 4, Kaimur (Bhabua) in Cr. Revision No. 129 of 2008 by which he has set aside the order dated 19.08.2008 passed by Sub-Divisional Judicial Magistrate, Kaimur (Bhabua) and directed him to proceed with the complaint.

The case of the complainant is that while he was returning from Bhabua Court suddenly accused persons surrounded him and on the point of pistol committed theft of his personal property as also took his signature on the blank paper.

It has been submitted that fact of the matter is that the Petitioner no. 1 had contacted the father of the O.P. No. 2 for marriage of his other son. On 05.10.2007 a place was fixed for seeing the girl where all the family members went to select the girl. However, they postponed the marriage repeatedly. In the meanwhile the father of the O.P. No. 2 came to the petitioners' house and took loan from him which he did not return and instead made fresh demand on account of which Petitioner no. 1 filed complaint Case No. 246 of 2008.

Having gone through the background facts of this case enumerated above, the application is allowed and the order dated the order dated 23.12.2008 passed by the Additional District and Sessions Judge, F.T.C 4, Kaimur (Bhabua) in Cr. Revision No. 129 of 2008 is hereby set aside.

(Anjana Prakash, J)

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